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hairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/36)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/49/188, A/49/228-S/1994/827, A/49/264-E/1994/113, A/49/293, 311, 321, 337, 366, 410, 415, 416, 512, 528, 545, 582 and 595; A/C.3/49/5, 9, 11 and 17)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/49/82, 85, 88, 168, A/49/183-S/1994/733, A/49/186, A/49/218-S/1994/801, A/49/270-E/1994/116, A/49/273-S/1994/864, A/49/394, 455, A/49/508-S/1994/1157, A/49/513, 514 and Add.1 and Add.2, 538, 539, 543, 544, 594 and Add.1, 635 and Add.1, A/49/641-S/1994/1252, A/49/650 and 651; A/C.3/49/15, 16, 17 and 19)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/49/668; A/C.3/49/5, 8 and 10)

(e) CAPITAL PUNISHMENT (continued) (A/49/234 and Add.1 and Add.2)

1. Mr. DENG (Representative of the Secretary-General on internally displaced persons) said that the end of the third year of his activities represented a crossroads in efforts to enhance international protection and assistance for the internally displaced of the world. His report (A/49/538) provided a brief overview of work carried out so far and planned under his mandate. The main objectives of his mandate were to study the generic problem of internal displacement, monitor conditions in the affected countries, enter into dialogue with Governments and other actors concerned, evaluate relevant international legal norms and institutional arrangements and develop an overall strategy for providing better protection and assistance.

2. Despite the comprehensive study prepared at the outset of his mandate and annual reports to the Commission on Human Rights and the General Assembly, further research on the phenomenon was still needed. Hence the plans for a comprehensive project aimed at the development of a strategy of international assistance and protection for internally displaced persons to complete the study phase of the mandate. Thereafter efforts would be focused on more operational aspects. The study would be carried out in close cooperation with academic and research institutions and had four interrelated goals: the achievement of a better understanding of internal displacement and its consequences; the compilation and evaluation of international legal norms with a view to developing standards that would fill any lacunae that might exist in the law; the submission of recommendations for a more effective response to the needs of the internally displaced by existing international and regional structures; the

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formulation of policy recommendations for the development of institutional capacities to address such problems.

3. Generally the scale of the problem was increasing, and although statistics were not entirely reliable, it was recognized that the internally displaced outnumbered the refugee population in the world by some 10 million. The internally displaced lived in appalling conditions and were deprived of the basic necessities of life. There was currently no international instrument or mechanism for the specific purpose of protecting and assisting such persons. There was also disagreement among international legal experts on whether existing instruments provided adequate protection. A proper evaluation of existing norms was therefore of primary importance. Likewise, it was clear that some instrument, whether of legal or moral authority, was required to focus international attention on the problem and establish appropriate guidelines for the protection and assistance of displaced persons.

4. With regard to existing arrangements, a number of governmental and non-governmental organizations were showing increasing concern about the plight of the internally displaced and expanding the scope of their operations accordingly. However, the political will to establish a new organization was lacking, the preferred solution being to make use of existing structures through enhanced coordination.

5. As the only person responsible for catering to the needs of the internally displaced, the representative of the Secretary-General should be responsible for inter-agency cooperation and play a catalytic role in mobilizing the support of more operational organizations outside the United Nations system. The parameters of the representative's mandate, as outlined in the relevant resolutions of the Commission on Human Rights and the General Assembly, included the identification of crisis situations, interceding on behalf of the victim population and mobilizing international support, for an effective response to the challenge. However, the objectives could not be realized without adequate human and material resources. At present the representative of the Secretary-General provided his services on a voluntary basis, with the assistance of one junior staff member appointed on a short-term basis and another donated by the Government of Norway. The limited resources available did not allow for a sufficient number of visits each year to affected countries. The representative must have the necessary resources at his disposal to fulfil his mandate properly.

6. The most effective way of promoting the cause of the internally displaced was to view it primarily as a human challenge encompassing humanitarian and human rights concerns. Some considered that the humanitarian aspect should be kept separate from the more political dimension in order to avoid any controversy. However, that idealistic approach did not take account of the essentially political context in which humanitarian and human rights emergencies unfolded.

7. With those considerations in mind, he had adopted an approach that attempted to reconcile sovereignty with responsibility. Governments must be

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assured that the problem of the internally displaced came under their national sovereignty, which had to be respected. However, such sovereignty carried with it responsibility for protecting and assisting citizens in need. Normally Governments fulfilled that responsibility, and when a Government did not have the means to provide adequate protection it was expected to request or at least accept international assistance and cooperation in the discharge of that responsibility. In exceptional cases, where a Government had neither the capacity nor the political will to carry out its responsibilities, it could not expect the international community to stand by and watch as large numbers of its citizens were neglected. He was encouraged by the overall response of Governments to his country visits - eight so far - but although further visits were planned for 1995, they were still insufficient, given the scale of the problem.

8. He emphasized the importance of United Nations credibility to the victims of internal displacement. On his visits to displacement camps he was often called upon to address large groups of people and, although he could not afford to make rash promises, he must give people in need some hope. If the international community failed to generate a timely and effective response to the situation, the image of the United Nations would be tarnished, and tragic consequences would be suffered by millions of people. The way in which the historic challenge was faced would determine the fate not only of the many people looking to the United Nations for protection and assistance but also of generations to come. He hoped that the international community would not be complacent about the crisis it faced for which the current machinery was grossly inadequate. Naturally he wished to be part of the solution.

9. Mr. MAUTNER-MARKHOF (Centre for Human Rights), read out a statement prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, introducing his report. In it the Special Rapporteur said that the reports he had prepared had confirmed the dramatic and tragic scale of human rights abuses in the various territories of the former Yugoslavia and in particular in Bosnia and Herzegovina.

10. Since the outbreak of the conflict in Bosnia and Herzegovina, the civilian population had been subjected to cruel and inhuman treatment. Civilians and civilian objects had been deliberately targeted in flagrant disregard for international humanitarian law. War crimes were being perpetrated and many people had disappeared or been forced to flee their homes. Currently the largest wave of displacement for more than two years was taking place in the regions of Banja Luka, Prijedor and Bijeljina, in the territories controlled by the Bosnian Serb forces, who were also responsible for systematic attacks on convoys providing humanitarian assistance. In addition to Muslims and Croats, Serbs who did not support the policy of the de facto authorities were also being persecuted, and it was very difficult to monitor the human rights situation in the areas concerned since the Bosnian Serb forces were preventing representatives of international organizations from gaining access to the areas.

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11. Likewise human rights were being violated by Bosnian Croat and governmental forces. There had, however, been a significant improvement in the protection of human rights since the establishment of the Federation, the signing of the Washington Agreement and the adoption of the new constitution. However, the Federation had difficulty in guaranteeing freedom of movement and facilitating the return of refugees, owing to resistance at the local level.

12. The reconstruction project undertaken by the United Nations in Sarajevo and the European Union Administration in Mostar were playing an important role and, if successful, should constitute a model for the entire country. However, the two cities had recently suffered brutal attacks, which posed a serious new challenge for the United Nations and the European Union. Those profiteering from the war realized that peaceful development might undermine their position and influence. Moreover, the forthcoming winter represented an enormous humanitarian threat, and relief efforts by the United Nations High Commissioner for Refugees must be supported.

13. He drew particular attention to developments in the Bihac pocket, including the Security Council guaranteed so-called "safe area" where civilians and the United Nations Protection Force (UNPROFOR) faced threats posed by military attacks, and humanitarian relief was blockaded primarily by Bosnian Serb forces and the so-called "R.S.K.". There had been many fatalities, and illegal weapons such as napalm and cluster bombs had been employed in recent attacks, which added a new and terrifying dimension to the conflict.

14. While the situation in Bosnia and Herzegovina gave rise to the most immediate concern, serious human rights violations were occurring in other countries covered by the Special Rapporteur's mandate. Although the Republic of Croatia was laying the foundations for a State based on the rule of law, the human rights of various categories of people were often disregarded. Although the Croatian Government was cooperating with the Special Rapporteur, some actions by the authorities did not strengthen guarantees of legality and human rights, and that gave cause for concern. No progress in the human rights situation had been made in the United Nations Protected Areas, where the non-Serbian population continued to be harassed and Security Council decisions concerning return of refugees had not been implemented.

15. It was extremely difficult to carry out the mandate in the Federal Republic of Yugoslavia (Serbia and Montenegro), where the federal authorities consistently refused to cooperate with the Special Rapporteur and to some extent with the Centre for Human Rights, thereby failing to comply with the relevant resolutions of the General Assembly and the Commission on Human Rights. Nevertheless, local non-governmental organizations and other reliable sources reported human rights violations, such as acts of violence and harassment on ethnic and religious grounds. Furthermore, the police force abused its authority, particularly in Kosovo and Sandjak. There were serious breaches of human rights in Kosovo, including limitations on personal freedom and torture and other inhuman or degrading treatment, as well as discrimination. The majority of the population could not exercise the right to education or health,

and freedom of the media, particularly electronic media, was seriously restricted.

16. In Macedonia, the first steps towards establishing the rule of law were being taken, and amendments to the legislation were required. Despite indications that the police abused their power, recent events, including the national census and presidential and parliamentary elections, would improve the current human rights situation. It was important to remember that Macedonia faced serious difficulties caused by external factors including the sanctions against the Federal Republic of Yugoslavia and the embargo imposed by Greece, which seriously limited the possibilities for the enjoyment of economic and social rights.

17. The human rights situation in the countries covered by the Special Rapporteur's mandate, and in particular Bosnia and Herzegovina, must be a matter of serious concern for the international community. The failure of diplomatic efforts to achieve a peaceful solution to the military conflict posed a permanent threat. The activities of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia would undoubtedly be a key element in creating conditions for the future peaceful coexistence of people in the region. The participation of the international community in the reconstruction of Bosnia and Herzegovina was vital, and the efforts undertaken by the United Nations and the European Union must be given full support. However, unless military attacks directed at civilian targets were stopped, no meaningful progress could be achieved in Sarajevo, Mostar or elsewhere in the territories of the former Yugoslavia.

18. The international community should also contribute more effectively to the process of returning displaced persons and refugees to their homes, voluntarily, and in conditions of full security, through the implementation of peace agreements negotiated under the auspices of the United Nations. At present that was possible in some areas where existing obstacles could be overcome, *inter alia*, through greater economic and material assistance.

19. UNPROFOR had an important role to play in preparations for the return of such persons and a recent Security Council decision regarding the United Nations Civilian Police (UNCIVPOL) mandate should improve security conditions for the population. The number of United Nations human rights field officers should be increased. In cooperation with UNCIVPOL they would help to build a domestic system of human rights protection and act as mediators and advisers. So far, field operations had been financed from the United Nations regular budget and voluntary contributions, which would be exhausted by the end of 1994. If the General Assembly decided to continue the field operations it should also make provision in the regular budget for human rights monitoring operations by the Centre for Human Rights in the former Yugoslavia. The international community was well aware of the scale of human rights violations in the former Yugoslavia, as was borne out by the resolutions adopted, yet all endeavours to arrest the tragedy had largely proved ineffective. One of the main reasons for that failure was the lack of follow-up to international initiatives and the absence

of sanctions for those who flouted the relevant norms. A new escalation of the military conflict and the arrival of winter posed an enormous threat to the most fundamental human right - the right to life. The international community was in duty bound to address the crisis and undertake effective measures in order to bring an end to the suffering of all Bosnian people.

20. Mr. KEATING (New Zealand), speaking on the subject of capital punishment, said that the current initiative under sub-item (e) was modest in its ambitions. New Zealand rejected the arguments put forward by critics of the initiative that the death penalty was the prerogative of States and that systems of justice must reflect their national circumstances and that efforts towards universal abolition thus constituted a challenge to national sovereignty.

21. It had been firmly established that the death penalty did not come solely within domestic jurisdiction; it was governed by an international human rights instrument which had been adopted by the General Assembly and had entered into force. The Second Optional Protocol to the International Covenant on Civil and Political Rights established the principle that the abolition of the death penalty contributed to the enhancement of human dignity and the development of human rights. New Zealand was proud to be the first country to have ratified the Second Optional Protocol, as it considered that the death penalty was a punishment which could not be reconciled with respect for human rights. His country had removed all provisions for capital punishment from its domestic law and believed that a discussion in the present forum on the need for steps towards the universal implementation of the Second Optional Protocol was fully in keeping with the Charter of the United Nations.

22. His delegation was therefore disappointed at the expressions of support for capital punishment, but was even more disappointed at the arguments put forward by those who opposed it. The issue should be discussed on its merits; there was no justification for resorting to questions of sovereignty and domestic jurisdiction. He recalled that, not so long ago, the propagandists of various tyrannical regimes had resisted discussion in the United Nations on torture and other cruel and inhuman forms of punishment on similar grounds, and United Nations efforts to eradicate racism, colonialism and even apartheid had also been opposed on such grounds.

23. New Zealand was not seeking to impose its position on any other country, but it rejected the suggestion that it was not appropriate to discuss the issue in the General Assembly or to seek to persuade others to reconsider their positions and, progressively and voluntarily, to bring their systems of justice into line with international human rights standards. As to the proposals put forward in the draft resolution contained in document A/49/234, his delegation considered that there was no need for the issue to come before the General Assembly year after year. It would be sufficient for the issue to be raised periodically during the General Assembly, for all human rights standards were best achieved through persuasion and encouragement.

24. Mr. MINOVES-TRIQUELL (Andorra) said that the sponsors of the draft resolution contained in document A/49/234 had no desire to impose their ideas on

others or to infringe, as some had suggested, on the national sovereignty of States, respect for which was one of the underlying principles of the Organization. They wished only to advance the rational debate on what was an issue of human rights. It had taken two murderous world wars and the prospect of a final one to make the international community understand the principle that war itself was wrong. The question of capital punishment, too, involved a matter of principle; it was not simply an aspect of a particular set of societal or religious values.

25. Because of centuries of bloody conflict, his country had been quick to recognize the evils of war and had outlawed it in 1278. Similarly, because of Andorra's small size, on the occasions when the death penalty had been imposed, significant numbers of the population had been directly involved in the execution or had witnessed it. His people had eventually been thus forced to acknowledge the degrading effect of the death penalty on human dignity. No death sentence had been passed in Andorra since 1943, and the penalty itself had been abolished in 1990.

26. "A life for a life" seemed to be a reasonable equation. However, in practice, by legalizing the killing of another human being under certain circumstances, the existence of the death penalty made murder more justifiable in the eyes of the potential criminal. Not surprisingly, no statistical or comparative study showed any correlation between the imposition of the death penalty and the murder rate. The only true deterrent to murder was absolute respect for the right to life.

27. In asking Member States to vote in favour of the draft resolution, its sponsors were only asking them to renew their commitment to the open discussion on the drafting of principles that would bring the international community closer to understanding and full realization of the concept of human dignity.

28. Mr. SACIRBEY (Bosnia and Herzegovina) said that while, for the sake of brevity, he would limit his remarks to matters directly concerning his own country, he was nevertheless particularly concerned about the situation in Rwanda. The many measures envisaged for the rehabilitation of that country should be carried out quickly and thoroughly, and the international community should continue to watch developments there and to consider further assistance.

29. As many others had said before, humanitarian measures were being used in his country to cover the lack of political will to confront the reality of war with the necessary means. Moreover, in so far as any political will was exercised, the United Nations had decided to treat victim and aggressor alike. Combined with weak capabilities, that even-handed approach had proved more effective in preventing peace than in enforcing it. And, frighteningly, as the situation had deteriorated, some top United Nations officials had increasingly taken to suppressing and manipulating the information. A case in point was their denial of the veracity of outside reports of a Serb offensive on Gorazde until it had been too late.

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30. As documented by the Special Rapporteur and Helsinki Watch, Serb-perpetrated human rights violations were on the rise in his country. The most savage ethnic cleansing was taking place in areas long under Bosnian Serb control, where the practice had been institutionalized. Humanitarian assistance to the eastern enclaves was repeatedly blocked in order to ensure the slow death of their weak and hungry populations. Since the "Contact Group"'s failure to confront the Bosnian Serbs after their rejection of its peace plan, Bosnian Serb forces had increased their attacks on civilian targets both inside and outside the so-called "safe areas".

31. The international community was currently allowing the human rights abuses to continue unchecked and unabated, despite the fact that whenever the Bosnian Serbs had been confronted with the force of law - regrettably a rare occurrence - such abuses had diminished. He wondered how many more tragedies it would take before a moral, practical policy was agreed upon and systematically enforced.

32. In conclusion, he encouraged all delegations seriously to consider the reports of the Special Rapporteur and other human rights investigators, which contained hard facts and practical recommendations. His delegation had noted the abuses and problems documented by the Special Rapporteur as having occurred in the territory held by his Government. He wished to point out that, while undeniable, most were attributable to the independent actions of local authorities, and that their scale and brutality paled in comparison with those committed by the Bosnian Serbs. His Government would continue to welcome and cooperate fully with all human rights investigators and would endeavour to meet the challenges with which it was confronted. It urged the members of the Committee to begin to reverse the trend of denial that had hitherto characterized the international response to human rights abuses in his country.

33. Mr. MUCH (Germany), speaking on behalf of the European Union, said that the time had come for the international community to consolidate the achievements of the Vienna Conference. Action was required in three spheres. First, there must be universal acceptance and implementation of the international human rights instruments. Second, it was necessary to bring about further strengthening and coordination of United Nations human rights activities. One step in that direction would be to enhance and monitor the all-encompassing system of special procedures, rapporteurs, representatives, experts and working groups. In that connection, the European Union welcomed the intention of the High Commissioner for Human Rights to continue the practice of convening joint meetings of the rapporteurs, experts and chairpersons of working groups. In general, it would continue to back all efforts aimed at achieving more efficient management of human rights resources. Another step would be finally to increase human rights budgets to a level commensurate with their importance. Human rights activities should not been seen as competing for funding with development activities, because, as had been recognized in Vienna, democracy and respect for human rights were essential for development. Third, while the primary responsibility for protecting human rights lay with Governments, the international community should help to promote a universal culture of human rights by providing all necessary assistance. In that connection, the European Union rejected all

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claims of exemption from monitoring; Governments should see human rights mechanisms as a help, not a hindrance. They should extend their full cooperation in that context and should follow up on the recommendations made. The follow-up should then be given priority consideration at the annual sessions of the Commission on Human Rights.

34. Turning to sub-item (c), on human rights situations around the world, he said that, in attempting to promote and protect human rights, the European Union was guided not by realpolitik, as some had suggested, but by the deeply held convictions of its peoples. It realized that human rights abuses could occur and should be addressed anywhere, even within its own territory.

35. With regard to the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/49/641), the European Union once again urged all parties to respect the need for access to humanitarian aid and to ensure the safety of United Nations and European personnel. The European Union welcomed the start of the proceedings of the international tribunal on the former Yugoslavia and condemned the ongoing violations by the Bosnian Serbs of the human rights of non-Serbs in Bosnia and Herzegovina, as well as those committed by the Serbian authorities against members of the Albanian community in Kosovo and against minorities in Sandjak and Vojvodina.

36. While acknowledging the progress achieved in Albania in recent years, the Union urged the Albanian Government to ensure full respect for the human rights of the Greek and other minorities and to continue its institutional reforms to that end.

37. With regard to Turkey, the European Union noted with grave concern the lack of freedom of the press, the cases of torture and the limitations on trade unions. It urged early implementation of the Government's proposals to improve respect for human rights, and requested it to grant access to a human rights mission of the Conference on Security and Cooperation in Europe as well as to certain human rights organizations. While it condemned the acts of terrorism in south-eastern Turkey, it remained convinced that the fight against terrorism should be conducted with full respect for international human rights standards.

38. The European Union remained deeply concerned about the human rights violations in Cyprus, which were inherent in that country's tragic division. It reaffirmed its strong support for the Secretary-General's mission of good offices in Cyprus and reiterated its support for the reunification of that country in accordance with the relevant United Nations resolutions and high-level agreements.

39. Regarding the Middle East peace process, it hoped that reconciliation between the Israeli and Palestinian peoples would help to create conditions in which full respect for human rights could be secured. It also hoped that the sovereignty, unity and territorial integrity of Lebanon would soon be restored. It continued to pay very close attention to the human rights situation in Syria, and noted that the Syrian Government, with which it maintained a dialogue, had taken some encouraging steps in 1994.

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40. With regard to the Sudan, the European Union noted with deep concern the continued numerous and severe human rights violations described in the report of the Special Rapporteur (A/49/539). It commended the Special Rapporteur for his thorough and impartial investigation and called upon all parties to the conflict to cooperate with him fully. It urged the Sudanese Government to comply with the provisions of international humanitarian law by ceasing its deliberate and indiscriminate bombing of civilian targets.

41. The European Union called upon all parties in Algeria to strive for a political solution to their differences and to end the violence that had cost the lives of more than 10,000 people since 1992.

42. It welcomed the efforts of the Government of South Africa to lead that country to a democratic and non-racial society, based on respect for human rights and the rule of law.

43. With regard to Liberia, the European Union appealed to all parties to the conflict to implement the peace agreements and to support the peacemaking efforts of the United Nations Observer Mission in Liberia (UNOMIL) and the Military Observer Group of the Economic Community of West African States (ECOMOG).

44. It called upon the military Government of Nigeria to restore democratic rule and to reverse the existing violations of human rights and fundamental freedoms.

45. Concerning Burundi, the European Union was still concerned at the continuing violence and violations of human rights there, and trusted that the country's new leaders would take steps to bring peace and security to that nation and the region. It welcomed the opening in Burundi of an office of the High Commissioner for Human Rights and hoped that the High Commissioner's assistance programme, to which it was making substantial financial, material and personnel contributions, would contribute greatly to promoting democracy, the rule of law and the process of national reconciliation.

46. Strongly condemning the gross human rights violations in Rwanda, he welcomed the establishment of the International Tribunal for Rwanda and the decision to deploy human rights observers in the area. In that connection the European Union was making considerable financial and practical contributions. It had also granted massive humanitarian aid to relieve the suffering. He appealed to the new Rwandan Government to take further measures conducive to national reconciliation and respect for human rights. He also hoped that the new Government in Zaire would commit itself to that same respect with a view to bringing about genuine democratization and halting the deterioration of social and economic conditions in Zaire.

47. Turning to Latin and Central America, he encouraged the Peruvian Government to consolidate the country's improved record on human rights and to respect those rights in its fight against terrorism. With regard to Colombia, he remained particularly concerned about human rights violations committed by army

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members with impunity, and hoped that the new Government would pursue a positive human rights policy. He hoped that in Guatemala the welcome progress in the peace process would lead to a just and lasting peace and an improvement in the preoccupying human rights situation. Expressing concern about the frequently reported human rights violations in El Salvador, he urged that country fully to implement the peace accords and expected it to accede to various human rights instruments. Similarly concerned about such violations in Cuba, he urged the Cuban Government to grant full civil and human rights to its citizens, to treat dissenters with tolerance, to cooperate fully with the Special Rapporteur and to invite him to visit the country. In Haiti, the restoration of constitutional order and the return of the legitimate authorities paved the way for improving the human rights situation and rebuilding the country. The European Union would assist in that connection.

48. Turning his attention to Asia, he said that the European Union continued to be extremely concerned about the human rights situation in Iraq, and also about reports of the Iraqi Government's involvement in the murder of an opposition member in Beirut and attacks on United Nations guards and non-governmental organizations in northern Iraq. He called on Iraq to respect human rights and to allow the immediate and unconditional stationing of human rights monitors throughout the country, especially in the southern marshes, where the population was being systematically persecuted. He also called for the cessation of the wide-scale repression and internal embargoes and condemned the recent decrees introducing mutilation as a penalty for deserters. Iran, where the human rights situation also gave cause for concern, had failed to resume cooperation with the Special Representative, while the persecution of religious minorities and other human rights breaches relating to religion underscored the need for the Special Rapporteur on religious intolerance to visit the country. He welcomed the efforts aimed at bringing peace to Afghanistan, where serious human rights violations were taking a heavy civilian toll, as well as efforts to reduce the violence and human rights abuses in Kashmir. The European Union urged the Indian Government to give human rights organizations unimpeded access to the country and to cooperate fully with the International Committee of the Red Cross, and hoped to see a resumption of the political dialogue between India and Pakistan and efforts to avoid a deterioration of security in the region.

49. He was particularly concerned about the administration of justice in China and urged the Government of China to protect the right to due legal process, as well as the other internationally recognized individual human rights. He also urged the Government of China to refrain from policies that threatened the cultural, religious and ethnic identity of Tibetans. The European Union welcomed the exchange of views with the Chinese authorities and human rights experts, and reiterated its readiness to intensify it. He called for the release of political prisoners in Myanmar, for their participation in the political process, for the institution of political and economic reforms and for the enjoyment of human rights. With regard to East Timor, he expressed concern over the incidents in Dili, which had heightened tension. The European Union was also following with concern the trial of the imprisoned East Timorese leader, Mr. Xanana Gusmâo, and hoped that it would be impartial and objective. Since respect for human rights was a vital prerequisite for a lasting settlement

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of the question of East Timor, he urged the Indonesian Government to comply fully with the relevant decisions of the Commission on Human Rights. Lastly, he requested that his remarks should be taken in their intended spirit of constructive interest and as an indication of the importance attached by the European Union to the worldwide promotion and protection of human rights.

50. Mr. HALINEN (Finland) drew attention to the need to promote a universal human rights culture. In that connection the consideration of situations in individual countries provided a means of reminding Governments of their duties and obligations before the international community, and particularly before their own people. In the framework of constructive international cooperation, that consideration should be regarded as preventive action aimed at protecting the oppressed and persecuted, of whom the international community often remained the only defender. Such cooperation required dialogue between sovereign States and demanded universal respect for the decisions of United Nations human rights bodies, cooperation with United Nations representatives and accession to the main international human rights instruments. Member States that failed to comply with those demands set a poor example and bore full responsibility for their outright contempt of the articulated will of the majority.

51. With regard to country situations, he said that human rights were a significant element in discussions on economic and social development, democracy and security, which were interrelated and interdependent concepts. He therefore supported the system-wide integration of the human rights dimension in United Nations activities. The protection and promotion of minority rights, he believed, was an effective means of attacking the root causes of the conflicts which were frequently responsible for the massive human rights violations that occurred daily in many parts of the world. Preventive diplomacy, meanwhile, should target not only political indicators, but also socio-economic conditions and trends. In that regard, fact-finding and early-warning measures, as well as information on human rights violations, should be taken into consideration by the Security Council.

52. He stressed the need to strengthen the rules of humanitarian law applicable to internal disturbances and conflicts, and said that human rights education, training and monitoring were also part of the key prevention mechanism. Since complex emergencies could not be addressed through traditional peace-keeping efforts alone, they required a comprehensive approach and sustained efforts by the States concerned, as well as assistance through regional arrangements and organizations. The situations in Rwanda and Burundi, for instance, had demonstrated the importance of prevention and fast relief action. He welcomed the establishment of the International Tribunals for Rwanda and the former Yugoslavia as major achievements in removing the pattern of impunity. The tribunals should pave the way for a permanent international tribunal for crimes against international human rights and humanitarian law.

53. At the recent World Conference on Human Rights it had been concluded that while development facilitated the enjoyment of human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Human rights were a prerequisite and purpose of

development. He pledged unequivocal solidarity with Governments that had genuinely resolved to implement human rights, and urged support for broadening the scope of advisory services and technical assistance offered by the Centre for Human Rights. Finland would continue its substantial contribution to the United Nations Voluntary Fund for such services and assistance, in keeping with its policy of support for United Nations human rights mechanisms. Since the recognized scope of basic human rights was gradually expanding through the increased concern for human rights, as reflected in the establishment of the post of the High Commissioner for Human Rights, he concluded that it was possible to view the future with cautious optimism.

54. Mr. LADSOUS (France) fully endorsed the statement made by the German representative and said the creation of the post of High Commissioner for Human Rights had further consolidated the progress in promoting and protecting human rights achieved at the Vienna World Conference on Human Rights. The persistent human rights violations throughout the world confirmed the need for such a mechanism, which should be reinforced in a consistent and concerted manner. The future protection and promotion of human rights depended on the establishment of a universal culture of human rights. Since grave humanitarian crises were frequently the result of contempt for fundamental human rights, tolerance and respect for others should be taught as part of any educational process. France therefore supported the activities in various countries aimed at imparting the human rights message, which required close collaboration between those concerned. In that connection, the diverse activities of the Centre for Human Rights were vital and should indeed be increased and even further diversified. In peace-keeping operations and development aid, cooperation with specialized agencies and non-governmental organizations could be highly beneficial. He was therefore pleased that the preparations for the plan of action for a United Nations decade for human rights education took account of that diversity, and in that respect the support of the High Commissioner for Human Rights augured well.

55. France attached particular importance to the right to development and to the mandate conferred on the Working Group on the Right to Development to assess the effect of the Declaration of the Right to Development and identify the obstacles to its realization. After reaffirming his view that economic progress could not be achieved without "democratic efficiency", he said that, as prerequisites to sustainable development, the establishment and strengthening of the rule of law were a priority objective of France's cooperation policy. He accordingly emphasized the responsibility of the State for creating conditions conducive to the realization of the right to development, while in the international context, a true global partnership for development was now more vital than ever in view of the enormous changes that had occurred in the developing countries over the past 20 years. Progress could only be achieved by keeping in mind the language of consensus achieved on that subject at the Vienna World Conference on Human Rights. The Committee should therefore endeavour to produce a balanced draft resolution that would be widely acceptable.

56. The future promotion and protection of human rights depended on remedying the problem of the financial and human resources allocated for that purpose to the relevant organizations, which were insufficient for the enormity of the

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task. In that light, he reaffirmed the need for a coherent commitment to securing those resources, failing which the lessons learnt from the many recent crises would be lost.

57. Mr. VALENCIA RODRIGUEZ (Ecuador) said that the High Commissioner for Human Rights had initiated a constructive dialogue with Governments without any political bias or selective criteria. That important activity should aim at the promotion of international cooperation, understanding and mutual respect. The increase in the technical cooperation activities carried out by the Centre for Human Rights, as requested by Member States, was encouraging. Ecuador supported the steps taken by the High Commissioner to enhance coordination of the human rights activities conducted by the Secretariat, the specialized agencies, the treaty monitoring groups and non-governmental organizations. Much remained to be done in that regard in order to develop a comprehensive policy, on respect for human rights and the satisfaction of basic needs, that would serve as a guide for the projects and programmes to be carried out.

58. His delegation supported the measures taken by the High Commissioner to promote economic, social and cultural rights, including the right to development, which was a most important issue in view of the close relationship between development and the maintenance of international peace and security. Ecuador encouraged the efforts made by the High Commissioner to promote respect for those fundamental rights, which, in turn, enhanced respect for civil and political rights.

59. The High Commissioner was paying due attention to the alarming problem of xenophobia and other manifestations of racial discrimination, which particularly affected migrant workers and their families. Ecuador attached maximum priority to the protection of the rights of indigenous people and urged the Office of the High Commissioner and the Centre for Human Rights to increase their activities in that important area. Lastly, his delegation hoped that Governments would provide the Office of the High Commissioner with the necessary administrative and financial resources to enable him to carry out his mandate fully.

60. Mr. SUTOYO (Indonesia) expressed satisfaction at the way in which the High Commissioner for Human Rights had carried out his mandate since assuming his responsibilities. Indonesia, like many developing countries, believed that the approach to human rights at the international level should be based on cooperation and dialogue. The High Commissioner had held consultations with a number of Member States in order to promote and protect human rights, thus opening channels of communication rather than engaging in confrontation. His delegation also welcomed the High Commissioner's initiative to establish links with various bodies within the United Nations system in related fields and hoped that he would continue to be guided by the principles of non-selectivity and objectivity in human rights activities.

61. United Nations human rights mechanisms still needed further strengthening. The High Commissioner clearly had an essential role to play in efforts to restructure and rationalize the work of the various human rights bodies. In that connection, his delegation felt that the work of the Third Committee's

Working Group was slow, and that a greater effort would have to be made to rationalize the activities of human rights mechanisms.

62. There was an important need to strengthen the Centre for Human Rights, which faced considerable obstacles in carrying out its responsibilities. The Centre should be made a more effective source of advisory services and technical assistance for Member States, particularly developing countries, in their efforts to set up national human rights frameworks, and should be provided with adequate resources for those tasks. He also emphasized the importance of regional arrangements to promote and protect human rights. There, the Centre for Human Rights played an important role in providing information, assistance and advisory services. In the Asia-Pacific region, the trend towards political dialogue and cooperation should create a more positive environment for the achievement of progress in various fields, including human rights. Through the Centre and the ESCAP secretariat, the countries of that region had explored the possibility of establishing regional and subregional infrastructures and national institutions for the protection of human rights. His Government had recently convened its second national workshop on human rights in cooperation with the Centre for Human Rights. The workshop had focused on ratification of international human rights instruments, the dissemination of information on human rights and the role of the mass media in that endeavour. Indonesia sought to develop a human rights culture conducive to the promotion and protection of those rights. The workshop had been intended to serve as a forum for the development of a national programme of action to be implemented over a five-year period.

63. Although the promotion and protection of human rights was primarily a national responsibility, the effort must be supported in the larger context by the international community. The denial of the right to development was one of the most widespread violations of human rights. There was a vital need, therefore, for a renewed multilateral commitment to development with the aim of promoting prosperity in both the North and the South. Failure to make such an effort would constitute an obstruction to the enjoyment of a human right recognized by the United Nations. His delegation was concerned about the fact that the Working Group on the Right to Development had not been provided with sufficient support. The role of the Working Group was particularly important in promoting implementation of the Declaration on the Right to Development. Lastly, Indonesia reaffirmed its commitment to the promotion and protection of universal human rights and stressed that the international community must continue its efforts to ensure implementation of the Vienna Declaration and Programme of Action.

64. Mr. QUINTERO (Venezuela) reaffirmed his delegation's commitment to implementation of the Vienna Declaration and Programme of Action, which should guide the future work of the United Nations in the field of human rights. Venezuela attached particular importance to the need to further strengthen the Centre for Human Rights and felt that consideration should be given to the possibility of enhancing interaction between the United Nations system, Governments and societies through the establishment of offices in the various regions. His country highly valued the activities carried out by the High

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Commissioner for Human Rights and assured him of its support and collaboration on the basis of an open and frank dialogue.

65. The role of information and education in promoting and protecting human rights was well known. He hoped that the General Assembly would proclaim a decade for human rights education, to begin on 1 January 1995, in accordance with resolution 1994/51 of the Commission on Human Rights. A plan of action should be drawn up for the decade, including the establishment of a minimum programme for instruction in human rights at the preschool and the primary and secondary-education levels; the preparation of television programmes for both children and adults, and the awarding of an annual prize to encourage the promotion of human rights.

66. In view of the forthcoming fiftieth anniversary of the United Nations, Venezuela urged the High Commissioner and the Centre for Human Rights to conduct a revitalized world campaign to promote education and public information in the field of human rights. That effort would be a basic contribution to the work of the United Nations in that field and would enable Member States to increase public awareness of the international human rights instruments.

67. As a democratic society, Venezuela was giving increased attention to human rights education. The contribution by specialized agencies and non-governmental organizations to that effort had been essential both in the area of formal education and in the training of law enforcement officials. The Centre for Human Rights had provided Venezuela with useful assistance in that area. Venezuela was carrying out a project to set up a human rights chair in its universities in order to promote education and research and develop a multidisciplinary approach in that field.

68. The observations and recommendations of the United Nations treaty monitoring bodies and the work of the Special Rapporteurs of the Commission on Human Rights were essential in ensuring observance of human rights. Lastly, his Government welcomed the return to Haiti of its constitutional President, Mr. Jean-Bertrand Aristide, as an essential step towards the establishment of democracy in that country, the ending of the atmosphere of terror there and the promotion of national reconciliation. Venezuela was sponsoring a draft resolution on human rights in Haiti, which he hoped would be supported by all Member States.

69. Mr. PSICHARIS (Greece), speaking in the exercise of the right of reply, said that Mr. Mautner-Markhof, in introducing the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/49/641-S/1994/1252), and the Special Rapporteur in his report, had used an incorrect name in referring to the former Yugoslav Republic of Macedonia. In accordance with the recommendation in Security Council resolution 817 (1993), that State had been admitted to membership in the United Nations and was provisionally referred to for all purposes within the United Nations as "the former Yugoslav Republic of Macedonia", pending settlement of the difference that had arisen over its name. Since that difference had not yet been resolved, only the name specified in the Security Council resolution should be used in oral and written

reports. Therefore, his delegation requested that the report of the Special Rapporteur should be reissued with the necessary corrections in the text.

70. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, said that his delegation was accustomed to listening to accusations made by the European Union, which selectively criticized the policies of certain countries in pursuance of its political objectives. Those accusations were indeed very far from the truth. An assassination attempt had been made against an Iraqi citizen in Lebanon and the Iraqi Government had been falsely accused of that crime. His Government had categorically rejected that accusation and had requested the Government of Lebanon to permit it to participate in the investigation into the matter. That request, however, had not been granted.

71. The United Nations monitors in northern Iraq were operating in an area which was under the jurisdiction of the allied forces and where various gangs were fighting with each other. It was unfair to hold the Iraqi Government responsible for a situation which the allied forces were unable to control. With regard to the inhabitants of the southern marsh area of Iraq, his Government had no reason whatsoever to persecute the population of that area and categorically rejected all accusations to that effect.

72. The European Union should have addressed the impact of the embargo imposed on Iraq instead of referring to any so-called "internal embargo". Had it not been for the efforts of the Iraqi Government to provide a minimum amount of food and medical supplies to the entire population without exception, the scale of the resulting catastrophe would have been far greater. The economic crisis in his country should have been given more attention by the European Union, which continued to prolong that crisis and should be held responsible for its harmful consequences.

73. Mr. SUTOYO (Indonesia), speaking in exercise of the right of reply, expressed deep regret at the misleading statement made on behalf of the European Union with regard to the human rights situation in East Timor. That statement had failed to take account of the improved conditions in that territory and the concrete steps taken by the Indonesian Government concerning the rights of the people of East Timor. Mr. Gusmão had been charged, inter alia, with leading an armed rebellion against the Indonesian Government and illegal possession of firearms. He had been tried in accordance with the laws of Indonesia, found guilty and sentenced to 20 years imprisonment. Throughout the trial, Mr. Gusmão had had legal counsel and due process of law had been observed.

74. The so-called "recent incidents in Dili" had, in actual fact, been the result of a personal quarrel that had led to the death of one person. A small group of people had tried to portray the incident as a political demonstration and had taken advantage of the situation to commit criminal acts. The Indonesian law enforcement authorities had brought the situation under control. Lastly, he reaffirmed his Government's commitment to work with the Secretary-General to achieve a just, comprehensive and internationally acceptable solution to the question of East Timor and rejected any attempts to impose extraneous conditions in that regard.

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AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/49/L.21/Rev.1, L.22 and L.24)

Draft resolution A/C.3/49/L.21/Rev.1

75. Mr. BARRETO (Peru), introducing draft resolution A/C.3/49/L.21/Rev.1, entitled "Protection of children affected by armed conflicts", on behalf of the States Members of the United Nations that were members of the Group of Latin American and Caribbean States and the other sponsors listed in the document, said that he was pleased to announce that Bangladesh, Finland, Georgia, Iceland, New Zealand and Tajikistan wished to become co-sponsors of the resolution. In response to grave concern about the tragic situation of children in many parts of the world as the result of armed conflicts, the draft resolution called for the General Assembly to recognize that the major needs of children and expectant mothers in such situations and their immediate aftermath were adequate nutrition, proper medical care and shelter, and to call upon Member States and United Nations agencies to take concrete measures to alleviate the situation of children in armed conflict. A number of its paragraphs aimed at strengthening the work of the United Nations in that field. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/49/L.22

76. Mr. BARRETO (Peru), introducing draft resolution A/C.3/49/L.22 on the "Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography", on behalf of the States Members of the United Nations that were members of the Group of Latin American and Caribbean States, and on behalf of the other sponsors listed in the document, said that he was pleased to announce that Armenia, Bangladesh, Burkina Faso, the Russian Federation, the Philippines, Georgia and the Federated States of Micronesia wished to become co-sponsors of the draft resolution.

77. The purpose of the draft resolution was to encourage continued investigation into the causes of the alarming increase in violations of the rights of the child worldwide, in particular those related to the sale of children, child prostitution and child pornography, and to condemn such aberrant practices. According to the draft, the General Assembly would urge all Governments to search for solutions and to support the work of the Special Rapporteur.

78. The General Assembly would commend the establishment, initiated by Commission on Human Rights resolution 1994/90 and confirmed by Economic and Social Council resolution 1994/9, of an open-ended working group responsible for elaborating, in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and establishing the basic measures needed to prevent and eradicate such practices.

79. He wished to make an oral revision to paragraph 11, which would read as follows:

> "Requests the Secretary-General to ensure that the Centre for Human Rights is provided within existing resources with the staff and other resources it requires to assist the Special Rapporteur and the working group of the Commission on Human Rights in the effective discharge of their mandate".

80. The sponsors of the draft resolution hoped that it would be adopted without a vote.

Draft resolution A/C.3/49/L.24

81. Mr. MUCH (Germany), introducing draft resolution A/C.3/49/L.24 on "The plight of street children", on behalf of the European Union and its member States and the other sponsors listed in the document, said that Bangladesh, the Czech Republic, the Federated States of Micronesia, Panama, the Philippines, the Russian Federation and Uruguay wished to become co-sponsors of the resolution. Children were a particularly vulnerable group in society, whose rights required special protection. The bitter reality evoked by the Executive Director of UNICEF, the Secretary-General, and various delegations had made it clear that legislation per se was not enough to prevent violations of the rights of children, but needed to be implemented, inter alia, in social, educational and public health programmes.

82. In the draft resolution grave concern was expressed at the continued growth and the number of incidents worldwide in which street children were involved in serious crime, drug abuse, violence and prostitution. The international community was urged to support efforts to improve the situation of street children through international cooperation, the Committee on the Rights of the Child was commended for its attention to the situation of such children, and Governments, United Nations bodies and organizations, intergovernmental and non-governmental organizations, special rapporteurs, special representatives, and working groups of the Commission on Human Rights and of the Subcommission on the Prevention of Discrimination and Protection of Minorities were asked to pay particular attention to the plight of street children.

83. The resolution was being presented under agenda item "Promotion and protection of the rights of children", rather than under "Human rights questions". He hoped it would be adopted by consensus.

The meeting rose at 6.20 p.m.

UNITED NATIONS
General Assembly
FORTY-NINTH SESSION
Official Records

THIRD COMMITTEE
40th meeting
held on
Wednesday, 23 November 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman:	Mr. BIGGAR (Vice-Chairman)	(Ireland)
later:	Mr. CISSÉ	(Senegal)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/49/36, A/49/188, A/49/228-S/1994/827, A/49/264-E/1994/113, A/49/293, A/49/311, A/49/321, A/49/337, A/49/366, A/49/410, A/49/415, A/49/416, A/49/512, A/49/528, A/49/545, A/49/582 and A/49/595; A/C.3/49/5, A/C.3/49/9, A/C.3/49/11 and A/C.3/49/17)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/5, A/C.3/49/8 and A/C.3/49/10)

1. Mr. GROTH (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba) introduced the interim report (A/49/544) which the Commission on Human Rights in its resolution 1994/71, approved by the Economic and Social Council in its decision 1994/261, had requested him to submit to the General Assembly at its forty-ninth session.

2. On 10 August 1994, he had addressed a letter to the Permanent Representative of Cuba to the United Nations Office at Geneva, requesting the cooperation of the Cuban Government in the accomplishment of his mandate and authorization to visit the country. To date he had received no reply.

3. As pointed out in earlier reports, the major problems with respect to civil and political rights in Cuba could be attributed to discrimination on political grounds and to the lack of freedom of expression and association. The information available to him indicated that since the publication of the previous report there had been no change either in the practice of the authorities or in the constitutional and penal provisions. Persons who peacefully manifested their disagreement with government policy, either as individuals or in groups, continued to be subject to harassment, accusations, disciplinary measures and prison sentences. They were most frequently accused of enemy propaganda, contempt, unlawful association, possession of illegal printed matter and resistance.

4. He had not found any change for the better with regard to recognition of trade union rights. Despite repeated criticism by the bodies responsible for

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the implementation of International Labour Organization (ILO) conventions, the Confederation of Cuban Workers continued to exercise a monopoly in that respect. However, there were indications that free trade unions, considered illegal by the authorities, were being established.

5. He drew attention to the concepts, defined in article 72 of the Penal Code, of "dangerousness" and a "special proclivity to commit offences", to which earlier reports had referred. There were indications that during 1994 and the final months of 1993, the authorities had frequently opened files on cases involving those concepts which had led to prosecution and incarceration of the persons in question for periods of up to four years as a "security measure", whereas such a measure was not provided for in the Penal Code Because of the summary nature of the proceedings, the accused rarely had time to contact a lawyer of his choice or to prepare a defence. In many cases, groups of persons, not individuals, were arrested, thus further reducing procedural safeguards. Such legislation was used not only to control common crime, which might have increased because of the economic crisis, but also against persons suspected of activities that contravened the official ideology.

6. The number of persons attempting to leave the country by sea for the United States of America had increased dramatically, so that early in August the Cuban Government had declared that from then on it would not try to prevent such departures. While from a human rights standpoint that decision could be viewed as positive, it had been dictated more by political expediency than humanitarian motives, and had not been accompanied by a change in the laws to decriminalize illegal exit. In fact, after new immigration agreements had been concluded with the United States early in September 1994, the ban on leaving the country had reverted to the status that had prevailed prior to the crisis. The fact that practice had been agreed upon in negotiations with the United States did not make it less questionable from the standpoint of human rights.

7. The underlying reasons why the human rights situation in Cuba had not changed significantly in 1994 as compared with the previous two years were, above all, institutional and of internal origin. The persistence of political repression impeded the search for solutions to the problems of a society in serious crisis from various points of view.

8. In the economic sphere, the policies carried out for years, in conjunction with more recent phenomena beyond government control, such as the loss of markets and worsening of the terms of trade, had plunged the country into paralysis and chaos. If the Government did not put in place fundamental economic reforms, the impoverishment of the country would nullify many, if not all, of the advances which Cuban society had made over the past 35 years. In addition, that would entail a strong risk of social protest and new waves of people trying to leave the country by sea. While the measures taken so far aimed in the right direction, in that they introduced a measure of flexibility and opportunities for private initiative, they were still too modest and insufficient.

9. Economic and political reforms would be greatly facilitated if Cuba's isolation came to an end. The economic, trade and financial embargoes imposed

by the United States had, over the years, had an adverse impact on the country's political climate and economic reality. They were now an obstacle to the necessary opening up of a system designed to withstand external pressures and hostile acts which threatened national sovereignty. The blockade reinforced the political aims of the Government, which feared any attempt to weaken its control over society; more importantly, it discouraged Cubans from working for a better future. A feeling of profound resignation was probably the dominant mood among the general population, but there was also fear of alternative policies represented by hard-line, politically influential Cuban-American groups. Those fears did not foster a resolve to effect changes, whether through protests or a commitment to participate in the building of a different society.

10. The Cuban Government should institute a fruitful dialogue with all sectors of society, including the internal opposition and Cubans resident abroad. The Government should recognize the right of political parties and non-governmental organizations to function legally in the country. It should recognize the freedoms of expression, information and assembly and should release all prisoners of conscience immediately.

11. Moreover, it was incumbent upon the international community, which had already rejected some aspects of the United States embargo through resolutions of the General Assembly, to provide support for the establishment of a process of peaceful political transition, to ensure that humanitarian assistance was provided to the Cuban population in need, and to facilitate multi- and bilateral technical and financial cooperation which could enable the Government and people to undertake, on a consensual basis, the political and economic reforms urgently called for by the situation. The international community should also continue to monitor the human rights situation in Cuba and the Government should cooperate with all mechanisms of the Commission on Human Rights, including the Special Rapporteur, in particular, by giving him the opportunity to visit the country.

12. He deemed it necessary to emphasize the recommendations once again; the basic elements of those recommendations had already been formulated in previous reports. Specifically, Cuba should: (a) ratify the principal human rights instruments to which it was not a party, in particular, the International Covenant on Civil and Political Rights and its Optional Protocols and the International Covenant on Economic, Social and Cultural Rights; (b) cease persecuting and punishing citizens who wished to exercise their freedom of peaceful expression and association; (c) repeal all legal provisions which implied discrimination among citizens on political grounds, in particular in the employment and education sectors, and redress as far as possible the abuses committed in that area in the past, for example, by reinstating in their former posts persons who had been dismissed; (d) permit the legalization of independent groups, especially those seeking to carry out human rights or trade union activities; (e) review the legal provisions relating to the concept of the "dangerous State" and the relevant security measures with a view to eliminating at least those aspects which were liable to infringe upon individual rights and freedoms; (f) ensure greater respect for the guarantees of due process in accordance with the provisions of the relevant international instruments, in

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particular by facilitating access to legal assistance for all persons put on trial without any type of discrimination; (g) release all persons serving sentences for offences against State security and for trying to leave the country unlawfully; (h) ensure greater transparency in the prison system and improve guarantees so as to prevent excessive violence and physical and psychological suffering from being inflicted on prisoners; renew the agreement with the International Committee of the Red Cross and allow access to prisons by independent national groups; (i) allow international non-governmental human rights organizations to enter the country so that they could evaluate the human rights situation and offer their competence and cooperation with a view to securing improvements; (j) repeal the legal provisions which barred Cuban citizens or persons of Cuban origin resident abroad from entering and leaving the country freely, while observing minimal administrative formalities.

13. Mr. Cissé (Chairman) took the Chair.

14. Mr. FERNANDEZ PALACIOS (Cuba) said that nothing in the report of the Special Rapporteur on the situation of human rights in Cuba (A/49/544) justified the decision to appoint a special rapporteur for such a mission. That decision was part of a campaign of defamation against Cuba's political, constitutional, legal and socio-economic system and the submission of the report was only a pretext for the introduction by the United States of America of a resolution which had been prepared much earlier in line with the policy of aggression which it had waged against Cuba for over 30 years. One could legitimately ask whether it was not the United States of America itself which was actually at fault because of the massive and systematic human rights violations of which 11 million Cubans had been victims for 35 years. If his Government was refusing to cooperate with the Special Rapporteur, it was simply because it did not recognize the legitimacy of his mandate. Cuba's desire to cooperate with the United Nations in such matters was demonstrated by its consistent support for all the rapporteurs responsible for special questions, and more recently for the United Nations High Commissioner for Human Rights.

15. It was scandalous that a small developing country like Cuba which had done so much to protect human rights in its territory and elsewhere was the accused party before the Committee while other countries which were responsible for massive and flagrant violations of human rights were acting with complete impunity because of their political strength and economic power. It was also shameful that the Special Rapporteur was participating in that masquerade and acting as an accomplice of the policy of the United States of America. It was absolutely out of the question for Cuba to renounce its sovereignty and independence and agree to subject its institutions and political system to the arbitrary and unjust scrutiny of a great Power and to the ideological vagaries of the Special Rapporteur.

16. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar) recalled that the Commission on Human Rights had decided, in resolution 1994/85 of 9 March 1994, to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders

deprived of their liberty, their families and their lawyers, and to report to the General Assembly at its forty-ninth session. He was submitting to the Committee an addendum (A/49/594/Add.1) to his interim report.

17. On 10 August 1994, he had sent a letter to the Minister for Foreign Affairs of the Union of Myanmar expressing the hope that he would continue to benefit from the cooperation of the Government of Myanmar in assessing the situation of economic, social, cultural, civil and political rights in Myanmar. He had also expressed the wish to visit Myanmar between 7 and 16 November 1994. On 23 September 1994, the Minister had responded favourably to the two requests. On 28 October 1994, the Chargé d'affaires of the Permanent Mission of the Union of Myanmar to the United Nations Office at Geneva had informed him, by letter, that the authorities could agree to the dates he had proposed for his visit to Myanmar.

18. On 5 November 1994, he had sent to the Minister for Foreign Affairs a memorandum setting forth various allegations of human rights violations in Myanmar and requesting the Government's views thereupon. The allegations were summarized under the following headings: (a) extrajudicial, summary or arbitrary execution; (b) arbitrary arrest and detention; (c) torture and other cruel, inhuman or degrading treatment; (d) forced labour; (e) violations of the freedom of movement; (f) violations of the right to property; and (g) the situation of refugees from Myanmar.

19. In the same memorandum, he had requested the Government to provide information on the following matters: (a) the legal authority under which Daw Aung San Suu Kyi was being kept under house arrest and the precise date on which the Government intended to release her; (b) her current health condition; (c) the Government's position with regard to maintaining dialogue with her; (d) progress made in the National Convention; and (e) the Government's action with regard to the distribution of the Burmese version of the Universal Declaration of Human Rights to all the delegates to the National Convention. That memorandum was reproduced in chapters II and III of his report (A/49/594).

20. By a note verbale dated 4 November 1994, the Government of Myanmar had replied to his various requests for information. The Government's reply was reproduced in the addendum to the interim report (A/49/594/Add.1). He wished to express gratitude to the Government of Myanmar for its prompt response to his requests.

21. At the invitation of the Government of Myanmar, he had undertaken a visit to that country from 7 to 16 November 1994. He had been received by the First Secretary of the State Law and Order Restoration Council, the Minister for Foreign Affairs, the Chief Justice, the Attorney General, the Information Minister and other members of the Government. He had visited prisons, where he had met three political leaders, work sites, the National Convention and university campuses. He was grateful to the Government for having facilitated his task in 1994, but expressed disappointment that, in spite of his repeated requests, he had been unable to see Daw Aung San Suu Kyi, who had been under house arrest since 20 July 1989. He was also disappointed that his meetings

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th leaders of the main political parties, including the National League for mocracy which had won a landslide victory in the May 1990 elections, had not ken place at his office in the Yangon premises of the United Nations velopment Programme (UNDP), in spite of his repeated requests, but in one of e Government guest houses. He was seriously concerned that he had been unable see other political leaders who had been detained or recently released, or her citizens who wished to contact him but feared repercussions. In that nnection, he noted that Khin Zaw Win, who had been arrested in July 1994, had en accused of sending him fabricated information on Myanmar during his visit Myanmar in 1992. He had later been informed that that charge had not been nsidered as a ground for prosecution by the Court; however, the fact that it d been widely reported even by the government newspaper would discourage the pulation from having any contact with him.

. The Special Rapporteur expressed his gratitude to the UNDP office in ngon, which had provided him with office space, accommodation and local ansport services.

. Following his visit to Myanmar, he had visited Bangkok and Mae Sot in ailand between 16 and 20 November 1994, where he had established or continued ntacts with Myanmar nationals.

. He summarized his observations on the human rights situation in Myanmar on e basis of his recent visit to that country and Thailand and on information he d received from various sources, including officials and citizens of Myanmar, ficials of the United Nations and other related agencies, staff members of n-governmental organizations working in the areas of human rights protection d humanitarian activity, and foreign nationals including diplomats, urnalists, scholars and students.

. First of all, he noted some signs of improvement:

(1) The Government had started a dialogue with Daw Aung San Suu Kyi which intended to pursue, according to assurances provided by Secretary One of the ate Law and Order Restoration Council on 14 November 1994;

(2) The Government had permitted a United States Congressman and a ddhist monk from Myanmar, neither of whom were immediate family members, to sit Daw Aung San Suu Kyi;

(3) Cooperation with the Office of the United Nations High Commissioner r Refugees was continuing and more than 100,000 refugees from Myanmar out of estimated total of about 270,000 had to date been repatriated from ighbouring Bangladesh;

(4) Cooperation with the International Committee of the Red Cross (ICRC) s expanding, specifically with regard to the training of military personnel in ternational humanitarian law and the four Geneva Conventions of 1949, to which yanmar had acceded in 1992. The role which ICRC could play in improving prison nditions was under consideration by the Government;

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(5) The Government was expanding cooperation with various other United Nations organs and agencies and non-governmental humanitarian organizations;

(6) The living conditions of the local population in cities such as Yangon and Mandalay seemed to be less restricted and infrastructures were improving.

26. Despite the progress made, he noted with regret continuing restrictions on fundamental freedoms and serious human rights violations:

(1) Several hundred political leaders were reportedly still in prison or detention, notably Daw Aung San Suu Kyi;

(2) Further arrests of political leaders had been reported or confirmed and the impartiality of judicial procedures was not always guaranteed;

(3) A number of civil and political rights were still severely restricted, in particular the right to life, liberty and security of person, and also freedom of thought, opinion, expression and association;

(4) The composition and procedures of the National Convention did not bode well for the transition to multiparty democracy announced by the Government;

(5) According to witnesses, torture, arbitrary killings, rape and the disappearance or confiscation of private property were still occurring, particularly in border areas where such practices were being carried out by Tatmadaw troops in the course of military operations, forced relocations and development projects. Although people from all social, geographical and ethnic groups were victims of such violations, the most vulnerable appeared to be ethnic communities, women, children, peasants and other low-income peaceful civilians. Serious human rights violations were also being perpetrated by senior officers against their subordinates.

27. He made it clear that, since there had been insufficient time to make a careful study of all the information collected during his visits to Myanmar and Thailand, his observations were preliminary in nature. He intended to submit his final report to the Commission on Human Rights in the near future.

28. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa) said that following the historic election of April 1994, the Working Group's long-awaited visit to South Africa between 10 and 26 August 1994 had coincided with the new Government's first stock-taking exercise 100 days after taking power. All the official and other interlocutors the Working Group had encountered during its visit had stressed the enormous challenge the new Government was facing in the process of healing the scars the apartheid system had left behind. The Working Group had noted with concern the high number of violent crimes and the sharp rise in the crime rate, two phenomena which might have been partly due to an increase in reporting by citizens who felt more confident to do so in the new situation. He noted that while killings which were previously considered to be political according to the Norgaard principle had almost completely ceased, deaths in police custody and detention appeared to

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be continuing. The Goldstone Commission had gone a long way towards identifying the culprits connected with politically motivated killings, which should thus provide a basis for proper investigations leading to eventual prosecution of the accused persons.

29. The question of the abolition of the death penalty remained unresolved. It might be resolved when the new Constitutional Court was asked to decide the fate of the 507 people on death row, some of whom might be entitled to an amnesty on the premise that their offences were politically motivated.

30. For the Working Group, the situation of all prisoners remained a matter of concern. Prisons were severely overcrowded and many prisoners had made allegations of ill-treatment and obstruction of basic rights such as access to medical facilities and contact with family members and legal representatives. Two incidents of brutal repression had led to numerous deaths and injuries and were currently being investigated by a government commission of inquiry.

31. The Working Group noted the launch of the Reconstruction and Development Programme which envisaged a complete restructuring of the education system in order to eliminate the discriminatory policies which had existed under the apartheid system. A white paper was scheduled to be tabled before Parliament in January 1995 which would provide for the establishment of a unified and equitable system of education to which all South Africans would have access. The adoption of draft legislation designed to integrate the police services was also a priority issue.

32. The area of health was also causing concern. Although officially segregation had ceased to exist, in practice it remained in place from the point of view of infrastructure and the standard of health care, mainly for economic reasons and because of the de facto separation of the white, black and coloured communities. President Mandela had announced that free medical treatment would be made available to all pregnant women and children under six years of age.

33. The security services perhaps posed the biggest problem since they were composed of white officers trained under the apartheid system who were protected by the Constitution and had remained in their jobs. The South African Government was very concerned to take the police and security forces in hand and actively redress the imbalance between black and white staff The Working Group had also been informed that a new code for police officers was being formulated.

34. The question of setting up a Truth and Reconciliation Commission had provoked country-wide debate and caused a clear division of opinion among human rights groups; some advocated a full inquiry followed by prosecutions, whereas others believed that a general policy of forgiveness should be pursued. However, all parties felt that any official connected with illegal killings and other major human rights violations should be removed from office.

35. The Working Group had taken note of the numerous white papers currently under discussion in South Africa, which were designed to redress the injustices created under the apartheid system, and had noted in particular the law promulgated on 11 November 1994 to restore land to individuals and communities

who had been dispossessed under old, discriminatory legislation. The recent accession by South Africa to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had been welcomed by the Working Group and should also be welcomed by the General Assembly.

36. The Working Group had come to the conclusion that during the transition period, the international community had a very important role to play by supporting the efforts of the South African Government, particularly those aimed at capacity-building among underprivileged groups and promoting greater respect for human rights, and by providing assistance to the South African people.

37. In conclusion, he said that the Working Group wished to thank the Government of South Africa for its help and intended to conclude its work by formulating a set of recommendations which would enable the Commission on Human Rights and other competent United Nations bodies and programmes to help the South African Government to establish a human rights culture and continue the movement begun by the elections of April 1994.

38. Mr. TELLMANN (Norway), referring to sub-items 100 (b) and 100 (c), said he was glad that in 1993 the General Assembly had decided, on the recommendation of the World Conference on Human Rights, to establish the post of High Commissioner for Human Rights. He assured the High Commissioner of his country's support and cooperation.

39. A growing number of countries throughout the world were being torn apart by internal strife and tensions, which led States to declare a state of emergency and as a result to abandon many provisions of the principal international human rights instruments. Even in such situations, however, minimum standards for the protection of human rights should be observed. He therefore welcomed the draft declaration on minimum humanitarian standards presented to the Commission on Human Rights by the Subcommission on Prevention of Discrimination and Protection of Minorities, which the Commission should seriously examine with a view to its adoption.

40. The appalling brutality of the armed conflict in the former Yugoslavia had demonstrated the imperative need to observe basic standards for the protection of human rights laid down in international human rights treaties, in particular in article 3 of the Geneva Conventions. His country fully supported the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.

41. There was also a need to develop institutional and practical mechanisms to secure the protection of persons displaced within their own countries and ensure their access to humanitarian aid. His delegation fully supported the work carried out by the representative of the Secretary-General on internally displaced persons.

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42. Norway welcomed the decision of the Commission on Human Rights to establish a working group to prepare a draft optional protocol to the Convention on the Rights of the Child on protection of children in armed conflicts.

43. Freedom of expression, a fundamental individual right, was a prerequisite for the enjoyment of other civil and political rights. Norway had therefore noted with grave concern that a number of authors and journalists had been harassed, detained and even killed. That was not only a violation of the human rights and dignity of the persons concerned, but represented a real threat to the proper functioning of any democratic system.

44. His Government had repeatedly condemned the religious decree (fatwah) pronounced against the author Salman Rushdie as an incitement to murder, incompatible with any international code of conduct. It therefore urged the Iranian Government to repeal that decree, which represented an intolerable violation of the civil rights of citizens.

45. Democratic rule was increasingly being recognized as a prerequisite for the promotion of peace, respect for human rights and economic development. It was in that context that the Norwegian Resource Bank for Democracy and Human Rights had been established to facilitate cooperation between the Norwegian Government and international non-governmental organizations.

46. Norway renewed its appeal to the Myanmar authorities to fully respect human rights, including the rights of ethnic minorities, and to allow freedom of expression and association. Daw Aung San Suu Kyi must be unconditionally released and allowed to participate freely, like other citizens, in the internal political process. The Myanmar authorities would thereby indicate their willingness to engage in a serious dialogue with the international community.

47. In East Timor, a number of arrests and human rights violations had taken place in connection with demonstrations by students and other civilians in Dili and other towns. Norway appealed to the Indonesian authorities to release all detainees and to ensure their safety by allowing humanitarian organizations access to them.

48. Flagrant violations of human rights, including summary and arbitrary executions, continued to occur in Iraq. Norway remained concerned by the plight of the Kurds and the Shiite Muslim population in the southern marshes. It urged the Government of Iraq to allow the stationing of human rights monitors throughout the country.

49. The transition to majority rule in South Africa represented a historic step in the direction of democracy and political pluralism. Norway welcomed the fact that the High Commissioner for Human Rights had decided to provide human rights monitors in Rwanda, where the situation remained tragic. His Government was ready to assist the High Commissioner in providing relevant expertise. Human rights activities and preventive action were also called for in Burundi. Norway had already made funds available for efforts to build democracy in that country, and further assistance would be favourably considered in consultation and cooperation with the High Commissioner and the relevant United Nations bodies.

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50. Ethnic and tribal tensions in many other parts of Africa were a cause for great concern. Norway was particularly worried by the legal proceedings taking place in Kenya against various opposition and human rights activists.

51. The continuous process of democratization in Latin America was firmly established. Human rights were, however, still severely threatened in many countries. The peace process in Guatemala was of great concern to the whole international community. Norway welcomed the human rights agreement signed in March 1994, as well as the Agreements signed in June on the Resettlement of the Population Groups Uprooted by the Armed Conflict and on the Commission to clarify past human rights violations and acts of violence. The agreements showed that the parties wished to overcome the remaining obstacles to a peaceful solution in Guatemala. Norway urged the parties to maintain the momentum in the negotiations. The United Nations and the international community must give high priority to the human rights verification mission.

52. The human rights situation in Colombia continued to be a cause for grave concern. The violence caused by guerrilla groups, drug cartels, the security forces and criminals still raged. Norway was aware of the efforts made by the Government of Colombia to improve the situation and welcomed the invitation to the United Nations High Commissioner for Human Rights and United Nations special rapporteurs to formulate recommendations for further improvements.

53. The return of the democratically elected President Aristide to Haiti had paved the way for the building of democracy. Encouragement and assistance would be needed from the international community if the effort was to succeed. Norway was committed to supporting the process in various ways, including the provision of continued United Nations assistance.

54. Many indigenous peoples were still denied their human rights and fundamental freedoms. It was therefore essential that the international community should do its utmost to secure those rights through effective measures to eliminate discrimination, improve respect for the environment and make better use of national resources in order to secure sustainable living conditions. Over the past years there had been greatly increased cooperation and coordination between indigenous peoples, which was a gratifying development. Norway welcomed the decision of the General Assembly to proclaim the International Decade of the World's Indigenous People, commencing in December 1994. It also welcomed the draft declaration on the rights of indigenous peoples adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities and supported the Subcommission's request that the Commission on Human Rights should consider the draft text as expeditiously as possible.

55. Mr. ABDELLAH (Tunisia) said that his country had confirmed its commitment to the universal values of freedom, democracy and the defence of human rights by contributing to the elaboration of the relevant declarations and by ratifying the majority of international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against

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Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child.

56. Tunisia had also ensured that the texts of those instruments were made available to its people for consultation in dealings with the relevant human rights bodies.

57. In accordance with its commitments, Tunisia had submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights and in January 1995 would submit its report on the status of women to the Committee on the Elimination of Discrimination against Women.

58. His country had for several years been engaged in a democratic process leading to the introduction of a State governed by the rule of law, under which individual and collective freedoms could flourish in a tolerant and open civil society; it had altered its legislation to that end. It was currently considering a draft law on education and public service and was pleased to have introduced pluralism in Parliament and its committees. The Constitutional Council was also enshrined in the Constitution.

59. The promotion of human rights could not, however, be based solely on legal texts. It required the introduction of mechanisms enabling government bodies to study the matter more deeply, to receive information regarding violations and, above all, to have the necessary finance to disseminate a culture of human rights.

60. A high-level committee on human rights and fundamental freedoms had therefore been established to help the President of the Republic, to submit opinions and proposals and to carry out studies on those themes. The committee had already made it possible for the Ministries of the Interior and of Justice to adopt measures promoting respect for human rights and dignity.

61. The Ministry of the Interior had, among other measures, introduced teaching on human rights into the training of the security forces. Human rights texts had been posted in police stations, a handbook containing guidelines on the application of human rights laws had been distributed to all police officers, meetings and seminars had been organized in order to raise awareness of human rights among prison governors and a school had been set up to train or retrain prison officers and rehabilitation staff.

62. The Ministry of Justice had taken measures to raise awareness of human rights among magistrates. The magistrates' institute ran courses on human rights, on international conventions ratified by Tunisia, on the role of the United Nations and non-governmental organizations in that sphere, on the protection of the right to life, on freedom of opinion, on respect for equality and on the struggle against all forms of discrimination. Other training courses gave magistrates the opportunity to benefit from experience acquired abroad.

63. Human rights units had been established in the Departments of Foreign Affairs, Justice, the Interior and Social Affairs. A special adviser

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responsible for human rights had been assigned to the Office of the President of the Republic and an ombudsman, reporting directly to the President of the Republic, had been appointed to deal with applications from individuals.

64. Respect for human rights could only be properly safeguarded by conducting an extensive information and awareness-building campaign, particularly in the emerging democracies, that campaign should begin by inculcating the values of freedom, love and camaraderie in children and by teaching them to accept differences of opinion and to eschew fanaticism and extremism.

65. The educational reform promulgated by the Act of July 1991 had set aside a prominent place in all the stages of education for the teaching of human rights and the promotion of respect for human dignity and equality of rights. Syllabuses placed particular stress on the position of women in society and on the equality of men and women in terms of their rights and duties. They presented a positive image of women and encouraged young people to give careful consideration to the status of women.

66. Tunisia supported the idea of a United Nations decade for human rights education. It welcomed and commended the efforts by the 300 non-governmental organizations involved in the dissemination and implementation of human rights, as well as in efforts to strengthen the foundations of civil society.

67. The second international workshop of national institutions for the promotion and protection of human rights, held in Tunis in December 1993, had resulted in the establishment of an international committee to coordinate the activities of those institutions with those of the Centre for Human Rights, with a view to implementing a joint programme of action. Recommendations designed to strengthen national institutions and to improve the protection of disabled persons, women, children and migrants had also been adopted at that workshop.

68. The promotion of human rights was part of the social programme in Tunisia, which was firmly committed to a process of democratization and development.

69. The Vienna Declaration and Programme of Action established the right to development as an inalienable and fundamental right of the human person. Tunisia wished to reaffirm the interdependence of civil, political and economic rights, and of democracy and development, already recognized by the General Assembly in 1986 in the first article of the Declaration on the Right to Development.

70. His country had implemented social reforms designed to combat poverty and marginalization and to promote and protect the rights of vulnerable groups, without excluding any category of society.

71. The establishment of the necessary conditions for the realization of the right to development was, primarily, the duty of States, but that task also required greater efforts and commitment on the part of the international community and the United Nations.

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72. Tunisia welcomed the efforts which the High Commissioner for Human Rights intended to make with a view to implementing the right to development and it was interested to know what strategy he planned to use for that purpose.

73. In March 1993, the Commission on Human Rights had established a working group mandated with identifying obstacles to the implementation of the Declaration on the Right to Development and with recommending ways and means towards the realization of that right by all States. The obstacles already identified by the group, the chairmanship of which was held by Tunisia, included poverty, indebtedness, environmental degradation, persisting conflicts and sources of tension and the magnitude of military spending. Like other developing countries, Tunisia shared the initial conclusions of the group, which recommended the establishment of arrangements to monitor the implementation of the right to development.

74. International solidarity and cooperation were essential elements for the full realization of the right to development, just as they were for the preservation of peace and security.

75. Mr. STROHAL (Austria), speaking on agenda items 100 (b) and (c), said that Austria associated itself with the statement made by the representative of Germany on behalf of the European Union.

76. The human person was the central subject of human rights and fundamental freedoms. That had been reaffirmed by the international community at the World Conference on Human Rights, held at Vienna, which had been committed to highlighting the role of the individual in civil society as part of a comprehensive approach, taking due account of the interdependence of human rights.

77. Despite the progress achieved and the encouraging developments in certain countries, the international community was still far from the goal which it had set itself at the Conference - namely, the full realization of human rights, including through democratization and sustainable development. While summary executions, torture, arbitrary detention and other human rights violations remained widespread, the international community was also faced by such new challenges as increasing racism, xenophobia, nationalism, intolerance and discrimination.

78. Austria commended the different bodies of the United Nations on their efforts to collect and disseminate information and to provide the international community with recommendations on particular situations. The persistence of problems was due both to the reluctance of certain Governments to cooperate with those bodies or to follow up their recommendations and to the lack of cooperation among the bodies themselves. His delegation fully supported the efforts of the High Commissioner for Human Rights to strengthen those mechanisms and to ensure the follow-up to their recommendations.

79. Austria was particularly concerned by the tragedy unfolding in Bosnia and Herzegovina, where a war was being waged under the pretext of ethnic purity, where all human rights instruments were being violated and where the very fabric

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of society had been destroyed. It wished to commend the Special Rapporteur on the situation of human rights in the former Yugoslavia for his dedication to the innocent victims whose rights had been flouted.

80. Ethnic intolerance had also provoked conflicts of unprecedented violence, such as that in Rwanda. To address the root causes of those conflicts, the international community should act urgently to establish or rebuild a civil society, to protect internally displaced persons and to resolve conflicts involving minorities.

81. Across the world, consensus on the interdependence of development and democracy was leading to the gradual replacement of totalitarian regimes by more democratic forms of government. The full realization of economic, social and cultural rights and of the right to development were closely linked to the objectives of democracy, the rule of law, good governance and political accountability. The Vienna Programme of Action placed special emphasis on the strengthening or building of institutions relating to human rights, the strengthening of a pluralistic civil society and the protection of groups rendered vulnerable.

82. While the primary responsibility for the protection and promotion of human rights lay with States, Austria fully supported United Nations efforts to develop its activities in that field, in particular through the Electoral Assistance Division, peace-keeping operations and the advisory and technical assistance services of the Centre for Human Rights. The Austrian Government had established a pool of experts to be made available to the United Nations for human rights or electoral field operations. It had founded a centre for civilian peace-keeping in Schlaining, where an international training programme was held regularly with wide international participation.

83. The representative of the Secretary-General had clearly described the plight of internally displaced persons (A/49/538) and had emphasized the international community's responsibility for protecting and assisting them. The problem of displaced persons concerned the whole of the United Nations system. As the representative of the Secretary-General had said, it was necessary to determine their needs, but also to evaluate the legal framework for their protection and the international institutional arrangements to be established. Austria welcomed the extension of his mandate.

84. Many contemporary conflicts bore the mark of unresolved minority issues. The international community was increasingly called upon to ensure their protection. It was in that context that the General Assembly had adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1993. In order to implement that Declaration, there was a need to develop a comprehensive strategy comprising national and international action - in particular with regard to the prevention and settlement of disputes - and practical measures. Within the United Nations system, the Commission on Human Rights had an important role to play in overseeing the implementation of the Declaration and establishing a focal point for collecting information and proposing practical measures. The High

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ommissioner for Human Rights should play a decisive role in the protection of ersons belonging to minorities and in the prevention and settlement of onflicts involving minorities. The reports submitted by the High Commissioner nd by the Secretary-General (A/49/415) on that issue were encouraging. Full se should be made of the High Commissioner's dialogue with all Governments and ther actors in the international community, and also of his coordination role nd his capacity to establish advisory services.

5. Mr. SOTIROV (Bulgaria), speaking on agenda items 100 (b) and (d), said that he World Conference on Human Rights held in Vienna in June 1993 had marked a urning-point in international action to ensure the protection and promotion of uman rights, in that it had compelled recognition of the global mission of the nited Nations in upholding human rights and human dignity. Implementation of he important recommendations contained in the Vienna Declaration and Programme f Action was the primary responsibility of the international community and ember States.

6. The Conference had been followed by the appointment of a United Nations igh Commissioner for Human Rights. The seven months which had elapsed since he ad taken office had been marked by the adoption of specific measures in the ield of post-conflict resolution, preventive diplomacy and early warning, to hich might be added the sending of fact-finding missions with the consent of overnments and the use of good offices to anticipate emergency situations rising from serious violations of human rights and respond to them. An example as the High Commissioner's involvement in preventing the Rwandan crisis from preading to Burundi.

37. His delegation subscribed to the High Commissioner's view that it was ecessary to seek to rationalize the increasingly complex United Nations human ights machinery. As some delegations had said, it was important to preserve nd strengthen the system of rapporteurs, experts, working groups and bodies esponsible for monitoring the implementation of international instruments and o involve them more actively in the process of identifying ways and means of mplementing the Vienna Declaration and Programme of Action. Bulgaria felt that he rapporteurs and special representatives would be able to fulfil their andates more successfully if they were provided with timely information. It elcomed the establishment by the Centre for Human Rights of a telephone line nabling victims, relatives or non-governmental organizations to report human ights violations, and also the idea of making a database available to apporteurs and special representatives and other competent United Nations odies.

38. The World Conference on Human Rights had called for increased resources for human rights programmes within the regular budget of the United Nations, and for additional extrabudgetary resources to finance such programmes. In view of the important role of the Centre for Human Rights in coordinating and promoting technical assistance, advisory services, and public information education in the field of human rights, his delegation felt that the Centre's resources should be substantially increased. It therefore welcomed the General Assembly's decision to provide the Centre with additional resources, even though they were

inadequate to meet the Centre's increasing workload. Bulgaria wished to renew its technical cooperation programme with the Centre for Human Rights.

89. It also welcomed United Nations involvement, inter alia, in organizing democratic elections in South Africa and Angola, enabling the citizens of those countries to take part in the government of their countries, as was provided for in article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. His delegation was also of the view that United Nations election monitoring missions in various countries helped to promote human rights in those countries through their impartiality and balanced approach.

90. Mr. Al-HAMAMI (Yemen), after drawing attention to the various human rights instruments whose implementation would usher in a new era of more fruitful cooperation between the various Member States, said that the Vienna Declaration and Programme of Action clearly demonstrated the need to establish a link between human rights and the right to development. Poverty, disease, illiteracy and population growth were at the root of the wide variety of political and social tensions that could be observed throughout the world.

91. His delegation felt that the first step would be to follow up the second part of the recommendations contained in the Vienna Declaration, although that did not mean neglecting those contained in the first part. Since development was an inalienable right, and since one of the main threats to human rights was poverty, the international community was duty-bound to establish an appropriate mechanism that addressed those issues, in such a way as to open the way towards a partnership between developed and developing countries, especially the least developed among them. Moreover, in order to ensure socio-economic development, a significant effort was required on the part of the public and private sectors.

92. Yemen, as a democratic State, recognized the various economic, political, social and cultural rights which the Constitution guaranteed all its citizens, that being the only way of ensuring the development, progress, stability and security of the country. Accordingly, thanks to the institution of a multi-party State, it was able in spite of the many economic difficulties it was experiencing to lay the groundwork for a genuine democracy by holding legislative elections on 27 April 1993. The general amnesty act voted at the end of the war out of concern for the observance of human rights had enabled the situation to be normalized by giving the government press and the opposition press an equal opportunity to resume publication.

93. Yemen, having ratified or signed most of the international human rights instruments, believed that the new international order must serve to promote human rights and give high priority to development, even while respecting the cultural traditions of countries and the principles of national sovereignty and non-interference in the internal affairs of other States.

94. Mrs. MORGAN-MOSS (Panama) expressed great appreciation for the report of the Secretary-General on strengthening of the rule of law (A/49/512), especially its reference to the Universal Declaration of Human Rights, which upheld the

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primacy of humanity and morality in a world where money reigned. United Nations human rights activities were based on objective rights which human beings enjoyed by the very fact of being human. To deserve them, a human being must be faithful to his or her basic nature; the same was true for communities and nations. Panama strove to remain faithful to the Western, Oriental and indigenous cultural traditions that had forged its national identity, and to do so in a spirit of integration and harmony. As the new President of Panama had declared in assuming office on 1 September 1994 following democratic elections to whose success the United Nations and especially the United Nations Development Programme (UNDP) had contributed, utmost importance must be attached to political and ideological tolerance, to pluralism and to concerted action as instruments of peace, progress and development. That presupposed a strengthened rule of law and an independent judiciary, as well as an absolute respect for public freedoms, so that a climate favouring harmonious coexistence among all sectors of Panamanian society could be created. The new Government had also made it a priority to improve the administration of justice, the police services and the prison system. With that in mind, her delegation wished to emphasize that, as indicated in paragraph 98 of document A/49/512, where the link between the observance of human rights and underdevelopment was recognized, it was by promoting the right to development that the United Nations and the international community could help eliminate the existing conflicts between human rights and development.

95. In the field of human rights, the principle of "children first" must prevail, a point made at the Vienna World Conference on Human Rights. In accordance with the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children, nations and the international community must redouble their efforts to protect children and give priority to reducing infant and maternal mortality rates, combating malnutrition and illiteracy and improving the supply of drinking water and access to basic education. To do so, it is necessary to draw up national and international plans of action designed to mitigate the effects of natural disasters and armed conflict and alleviate the sufferings of children who are victims of sickness, abandonment, poverty, exploitation and other abuses, with the aid of non-governmental organizations whose action is so important.

96. The many important events organized or in the process of being organized by the United Nations in the fields of population, development, the status of women or housing attest to the international community's efforts to promote human development and cooperation among States and peoples so as to ensure the observance of human rights.

97. With regard to the financial problems discussed in document A/49/512, her delegation believed that the operational difficulties the United Nations was experiencing were no doubt due to a lack of funds and personnel, but that nevertheless there were instances of duplication it ought to be possible to eliminate, as well as possibilities for inter-agency cooperation that could be better exploited, especially in the fields of education, training and the exchange of information. The United Nations could take steps, for instance, to persuade the development specialists of the international financial institutions to become ardent defenders of human rights, because the problems stemming from

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the indebtedness and poverty experienced by many countries would more likely be resolved if the promotion and observance of human rights became a universal concern of all those involved in international cooperation.

98. Mr. MOUBARAK (Lebanon) said that the past 40 years of ideological confrontation had precluded any meaningful debate of human rights issues, human rights being those which human beings enjoy simply because they are human beings and not because they are members of a particular nation or State. Respect for human identity was the most universal value to which societies aspired.

99. The 1993 World Conference on Human Rights was the symbol of the emerging interest in human rights. Lebanon strongly supported the Vienna Declaration and Programme of Action and was particularly pleased with the provisions relating to human rights education. Furthermore, it welcomed the adoption of Commission on Human Rights resolution 1994/51 proclaiming a decade for human rights education, and it looked forward to its implementation.

100. Although the violence had ended in other parts of his country, in southern Lebanon the situation was still deplorable and the continuing acts of aggression and the arbitrary practices of the Israeli occupation forces were flagrant violations of the United Nations Charter and the Universal Declaration of Human Rights. Israel maintained its occupation of southern Lebanon in defiance of Security Council resolution 425 (1978), and its numerous violations had been the subject of repeated complaints by Lebanon to the Security Council. Israeli policy was a factor in the imperilled security of the region. The civilian population of southern Lebanon and the adjacent areas was subjected to constant shelling, curfews, arrests and expulsions. Israeli troops opened fire without provocation on entire villages, sealing them off and thus preventing any emergency food and medical supplies from reaching them. They transferred, detained and tortured hundreds of prisoners and barred representatives of the International Committee of the Red Cross and Amnesty International from visiting prisons and detention camps set up by Israel inside Lebanon. The Commission on Human Rights had adopted many resolutions on the issue of human rights in southern Lebanon, thus demonstrating that Israel was clearly violating the Universal Declaration of Human Rights, the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and the fourth Hague Convention of 1907. Despite repeated demands by the Lebanese Government and human rights groups, Israel refused to release its prisoners, compelling his Government to reiterate its demand. Israel did not even reply to the Economic and Social Council's request to report to it on the human rights situation in southern Lebanon. Its occupation had never been lifted since 1978, and the casualty list was growing.

101. Lebanon, as one of the founding members of the United Nations and a signatory of the Universal Declaration of Human Rights, was fully committed to the objectives of the Madrid Peace Conference on the Middle East and to the achievement of a just, lasting and comprehensive peace.

102. His delegation expressed appreciation to all the United Nations agencies involved in the human rights campaign, and reiterated his country's support. It

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also thanked the High Commissioner for Human Rights for his informative and important statement and wished him success in his endeavours.

103. Mr. CAMARA (Food and Agriculture Organization of the United Nations), speaking on item 100 (d) said that the right to development, as a universal and inalienable right to participate in and contribute to economic, social, cultural and political development, was one of the fundamental human rights set forth in the International Covenant on Economic, Social and Cultural Rights.

104. Among those rights was the right to food, which had a long history dating back to the Universal Declaration of Human Rights and had been proclaimed by the World Food Conference in 1974. In March 1992, the Declaration of Barcelona had proclaimed that all human beings had the right to sufficient and wholesome food, and in December 1992, the World Declaration on Nutrition had recognized that access to nutritionally adequate and safe food was a right of each individual.

105. Owing to the complexity of the processes it implied, the right to development was very difficult to define precisely, whether at the national or international level. It was by identifying the obstacles to its realization that the exact context of the obligations of States within the context of that right could be established. The main objective of development was individual and social betterment. Though the obstacles hindering that process varied in time and space, in the developing world, and especially in the agricultural and rural sectors, they tended to manifest themselves essentially as impediments to the enjoyment of the rights to adequate food and nutrition. For instance, nearly 800 million people in the developing world were currently considered to be chronically undernourished, and more than 2 billion people lacked one or more of the required micronutrients. Whatever the immediate causes of hunger and malnutrition, poverty bound the fate of millions, even in the developed world.

106. The majority of the world's poor lived in the developing world, where agricultural activity made a substantial contribution to their daily subsistence. In the least developed countries, employment and income opportunities in all sectors were significantly limited by the level of agricultural productivity. Consequently, in many parts of the developing world it was very difficult, if not impossible, to disentangle the factors hindering agricultural and rural development from those hindering overall development or from those perpetuating poverty. A corollary of that was that it was also difficult to differentiate the substantive content of the right to development from that of economic, social and cultural rights, especially the right to have access to adequate food and nutrition.

107. It was through the elimination of poverty that the fundamental right of each individual to be free from hunger could be guaranteed; however, the hungry could not wait. The search for world food security must include immediate steps to help the vulnerable, as well as long-term measures to bring about economic and social progress that could eventually achieve it.

108. Although States were in large measure responsible for ensuring the elimination of all obstacles to the full realization of that right, individuals and organizations could nevertheless also make a contribution to the process.

Individuals not only could work for their own food security, but also could show concern for the food security of the less fortunate and that of future generations. The concern of individuals would enable non-governmental organizations to stimulate, support and complement the actions of Governments, in developed and developing countries alike. In particular, those organizations could contribute directly, through operational and other activities, towards enhancing food security in various parts of the developing world, and indirectly, through creating a climate of opinion favourable to food security measures.

109. The obligations of States to ensure complete global food security continued to be of prime importance at both the national and the international levels. They could achieve that objective by respecting the rights of the individuals or groups that could take care of their own food security needs without weakening the possibility for others to do the same; by protecting the rights of the most vulnerable through preventing processes which negatively affected and encouraging processes which positively affected their food security; and by fulfilling the right to food through food relief.

The meeting rose at 1.20 p.m.

UNITED NATIONS
General Assembly
FORTY-NINTH SESSION
Official Records

THIRD COMMITTEE
41st meeting
held on
Wednesday, 23 November 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. CISSÉ (Senegal)

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8 December 1994

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (*continued*) (A/49/57 and Corr.1, A/49/58, A/49/75-S/1994/180, A/49/182, 206, 220, 221, 265, 271, 282, 283, 286, A/49/287-S/1994/894 and Corr.1, A/49/292, 298, 304, 386, 422, 532 and A/49/591)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (*continued*) (A/C.3/49/5, 8 and 10)

1. Mr. WILLIS (Australia) said that the High Commissioner for Human Rights had worked effectively to develop his role in strengthening the human rights system and improving coordination and promotion of human rights activities. It was vital to give him the political support and resources necessary for carrying out his mandate. The Centre for Human Rights had had to cope with a much greater workload without being given increased resources to do so. Accordingly, the Centre must be provided with adequate resources to fulfil its responsibilities and, at the same time, must take steps to maximize its efficiency, keeping under close review its working methods and programme implementation systems.

2. The Centre could work closely with States wishing to improve their performance in the field of human rights and could provide expert advice in accordance with the needs of each country. Setting up effective national human rights machinery was a very practical way to prevent human rights abuses. His Government had committed increased resources to promote the establishment and strengthening of such institutions not only in the Asia-Pacific region, but also in Russia and Latvia.

3. Australia attached great importance to regional human rights arrangements in the Asia-Pacific region. Such arrangements offered valuable opportunities for sharing national experience. There was a growing interest in that region in establishing national institutions and working towards subregional links which could be the basis for a future regional organization. Australia would continue to give strong support to resolutions of the General Assembly and of the Commission on Human Rights on regional arrangements in the Asia-Pacific region

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and looked forward to further cooperation among the Governments, national institutions and the Centre for Human Rights.

4. The establishment of an office of the Centre for Human Rights in Cambodia was a good example of what could be done to strengthen human rights infrastructures through advisory services and technical assistance. That process was a long-term one and required the international community's support for the foreseeable future. Notwithstanding the progress made in Cambodia, serious abuses continued and members of the Cambodian armed forces had been involved in a significant number of human rights violations throughout the country. Australia unequivocally condemned the acts of terrorism and banditry perpetrated by the Khmer Rouge, including the killing of ethnic Vietnamese and the taking and killing of hostages. It was crucial to provide adequate resources to enable the Centre and the Special Representative of the Secretary-General to fulfil their mandates in Cambodia. He urged the Government of Cambodia to implement the recommendations of the Special Representative, investigate thoroughly allegations of human rights abuses and punish those found guilty.

5. His Government attached importance to the work of the Working Group of the Commission on Human Rights on the Right to Development. The Working Group would make a significant contribution to the future direction of the human rights system. The provision of information about basic human rights instruments was vital for creating a global human rights consciousness and preventing human rights abuses. In that regard, Australia particularly welcomed the proposal for a United Nations decade for human rights education and stressed that the Centre for Human Rights, UNESCO and other specialized agencies must ensure good coordination of activities.

6. Mr. BABA-DOUDOU (Benin) said that his country was committed to establishing the necessary legal, political and material conditions to ensure complete enjoyment of all human rights and fundamental freedoms. Benin had acceded to most of the international human rights instruments and was striving, within the limits of its means, to take the necessary measures to ensure compliance with them.

7. Democracy was spreading throughout the African continent. Pluralistic elections had been held in a number of countries and the political opposition carried out its role through a totally free press. In Benin, for example, the separation of powers was ensured through the Constitutional Court. The Centre for Human Rights planned to provide his country with substantial support for the Government's actions aimed at bringing the administration of justice into conformity with international human rights standards and at setting up a programme to train students and members of the police and the army. With the Centre's assistance, Benin sought to develop a human rights culture in a truly democratic society.

8. That commitment, however, must be accompanied by a requisite level of economic and social welfare. Efforts to ensure the full realization of all human rights were impeded by the burdens imposed by external debt, structural

adjustment programmes, low commodity prices, and environmental degradation caused by the dumping of toxic-waste products in Africa. The future of human rights depended to a large extent on the importance given by the international community to the implementation of the right to development. Lastly, Benin expressed satisfaction at the untiring efforts made by the High Commissioner for Human Rights and stressed the need to provide him with greater resources to enable him to carry out his mandate more effectively.

9. Mr. HAAKONSEN (Denmark), speaking on behalf of the Nordic countries (Finland, Iceland, Norway, Sweden and Denmark), said that they attached great importance to the full and speedy implementation of the recommendations in the Vienna Declaration and Programme of Action. He supported the conclusions set forth in the report of the High Commissioner for Human Rights (A/49/36) and emphasized that the steps taken by the High Commissioner had helped create a new basis for continuing the dialogue on human rights problems and had strengthened the willingness of the various actors to deal constructively with human rights issues. But the High Commissioner required adequate resources as well as the support and cooperation of Member States in order to carry out his broad mandate.

10. The Centre for Human Rights, which was operating under severe budgetary constraints and with a greatly increased workload, also required a substantial increase in resources. At the same time, the Centre itself should take steps to eliminate administrative and managerial deficiencies. A higher degree of transparency in the Centre's financial and administrative affairs, with the use of external expertise when necessary, was called for. The Nordic countries supported efforts to enhance the effectiveness of machinery for promoting and protecting human rights. Streamlining and rationalization should, however, be pursued only to the extent to which they enhanced the effectiveness of the human rights mechanisms. Duplication should be avoided and maximum use made of the "comparative advantages" of the various mechanisms. He stressed the need for optimum coordination between the human rights mechanisms and felt that the convening of joint meetings of the various special rapporteurs, experts and heads of working groups and treaty bodies should be encouraged as an important step in that direction. Human rights aspects should be taken into consideration system-wide in order to integrate them into all relevant United Nations activities.

11. Democracy, good governance and full enjoyment of human rights were indicators of and prerequisites for development in the broadest sense of the word. True development required that individuals and groups took an active part in decision-making and development in their own countries. Every individual had the right to enjoy the fruits of development and every Government had the obligation to strive to bring about the realization of that right. A concerted effort must be made at the international level to eliminate the obstacles to development. The Nordic countries would participate actively in work aimed at promoting the right to development and implementing the recommendations set forth in the Vienna Declaration and Programme of Action, particularly those relating to specific rights and freedoms. Lastly, he urged those States that

had not acceded to the fundamental human rights instruments to consider doing so.

12. Mr. PORTALE (Chile) stressed the need to strengthen activities aimed at preventing serious human rights situations in specific geographical areas. The work carried out by the High Commissioner in Burundi was a good example of results achieved through speedy monitoring and technical assistance in potentially dangerous human rights situations. Providing consultancy services and technical and financial assistance through the Centre for Human Rights was a vital element in the work of the High Commissioner. Offices of the Centre should be established in the relevant countries in order to implement long-term consultancy programmes.

13. The resources of the United Nations human rights system should be increased significantly in order to help democracies in developing countries consolidate their progress in that area. It was particularly important to support the incorporation of international human rights standards into domestic legislation, the modernization of judicial and penal systems, the introduction of human rights issues at all levels of education, the training of police, military and prison personnel, and the establishment of national institutions to promote and protect human rights.

14. The investigation of human rights violations in the world and the moral sanctioning of regimes responsible for grave and systematic violations was a great achievement by the United Nations human rights system and should be maintained and improved. Greater technical and financial assistance should be provided to States that undertook the path of democracy and respect for law. Technical capacity and material resources were necessary in order to consolidate democracy and respect for human rights.

15. His delegation stressed the importance of promoting economic, social and cultural rights, particularly the right to development. Ensuring respect for those rights was in the interests of both developing and developed countries. The High Commissioner should encourage the efforts being made by various United Nations bodies, such as the Working Group of the Commission on Human Rights on the Right to Development, to establish indicators and identify obstacles to universal realization of the right to development. His delegation hoped that the High Commissioner, together with the various relevant United Nations bodies, would provide guidelines to help overcome those obstacles in the near future.

16. Mr. JESSEN-PETERSEN (Director, New York Liaison Office, United Nations High Commissioner for Refugees) said that 1994 had been another difficult year for the world's refugees: the number of refugees had risen and very few refugees had been able to return home, owing to the lack of stability and safety in their countries of origin. Most refugees and internally displaced persons were victims of both human rights abuses and internal conflicts. Human rights violations were a major cause of the flight of refugees as well as an obstacle to their safe and voluntary return home. Safeguarding human rights in countries of origin was thus critical for both the prevention and the solution of refugee problems. The work of human rights bodies and the United Nations High

Commissioner for Refugees (UNHCR) was closely linked, as recognized by the General Assembly, which had called for greater cooperation among them.

17. UNHCR pursued a comprehensive strategy to deal with the constant flow of refugees and its causes by offering protection and solutions. That entailed responding to situations in the countries of asylum as well as those of origin. In order to be successful the strategy must be purely humanitarian and impartial. The focus on the country of origin was a fairly recent development. With the consent or mandate of the General Assembly or Security Council it might be possible to intervene early and provide protection and assistance in situ. Through such action a refugee problem might be prevented from emerging or spreading, or perhaps contained, thereby allowing time for political efforts to resolve the conflict. An international presence in the affected country was the only means of ensuring prevention and protection, as well as respect for human rights.

18. UNHCR could assist the internally displaced, and its involvement could thus help to prevent or solve refugee problems. The General Assembly had recognized the experience and expertise of UNHCR in such matters, as borne out by General Assembly resolution 48/116, which stipulated that UNHCR should provide assistance at the specific request of the Secretary-General or competent principal organs of the United Nations, taking into account the complementarities of the mandates and expertise of other relevant organizations.

19. UNHCR's presence in countries of origin also allowed it to monitor the safe return of refugees. Voluntary repatriation, where possible, was the ideal solution; hence the current emphasis on the refugee's right to return home in safety and dignity, and it was the responsibility of the country of origin to create the necessary conditions for that to take place. UNHCR could play only a limited role in monitoring the safety of returnees; it was important to develop effective human rights systems which in the long term would make for an environment of confidence and stability.

20. For some time UNHCR had been advocating a greater operational role and capacity for the United Nations human rights machinery. The presence of human rights monitors in countries of origin during conflicts and in post-conflict situations was essential in safeguarding respect for human rights. Likewise, there should be a human rights component in United Nations peace-keeping operations - lessons must be learned from the Organization's experience in El Salvador and Cambodia. In that connection, he welcomed the human rights involvement in Rwanda as part of the comprehensive response aimed at bringing peace and stability to that country and enabling the return of refugees. Despite its focus on operational aspects of human rights, it was not the responsibility of UNHCR to expose the perpetrators of violations. Its task in protecting victims was purely humanitarian; although close cooperation with human rights monitors was desirable, their distinctive mandates should be respected. UNHCR was seeking to intensify its cooperation with the United Nations human rights machinery and share its experience and expertise with the High Commissioner and the Centre for Human Rights.

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21. Mr. JUNEJO (Pakistan) said that the adoption of the Vienna Declaration and Programme of Action and the establishment of the post of High Commissioner for Human Rights marked a turning-point in - but not the end of - the quest for global and national approaches to promote and protect human rights and freedoms. The World Conference on Human Rights had provided an opportunity to discuss some of the more divisive issues, yet disagreement in many vital areas persisted. Much work remained to be done, not least in achieving consensus on the relationship between development and human rights and in promoting the concept of individual responsibility for grave crimes against humanity. Moreover, the Vienna Declaration and Programme of Action had not produced specific recommendations for the streamlining, rationalization and strengthening of existing human rights machinery, it being impossible to reconcile the diverging views of the two main groups - those advocating the curtailment of human rights machinery and those trying to safeguard the existing achievements.

22. The special procedures established by the Economic and Social Council for investigating human rights violations required radical reform. That established under Council resolution 1235 (XLII) failed to subject powerful States to scrutiny. Through a highly politicized and biased process, only the smaller countries, or those espousing a divergent ideology, were targeted, while some large and influential countries carried on well-documented and grave violations of human rights with impunity. Such a situation eroded the credibility of the United Nations. Moreover, the confidential procedure laid down in Council resolution 1503 (XLVIII) was neither credible nor effective. It focused on individual cases rather than on situations revealing a consistent pattern of gross violations. Once again, mostly smaller States were targeted. The procedure needed to be accelerated and rendered more objective.

23. Pakistan believed that it was the responsibility of the High Commissioner to remove such inequities, and regretted that his mandate regarding the prevention of gross and consistent violations had been limited. Notwithstanding those constraints, the High Commissioner should institute an early warning system against impending emergencies and should advise the Secretary-General of them. With regard to promoting a balanced approach between economic, social and cultural rights on the one hand and civil and political rights on the other, Pakistan appreciated the initiatives taken by the High Commissioner. The latter enjoyed the confidence of the entire membership, and temptations to politicize his office would be divisive. The broad and timely action taken by the High Commissioner in Rwanda and Burundi was proof of the effective role he intended to play in preventing human rights crises. Pakistan was confident that his advocacy of human rights, his impartiality and his efforts to improve coordination of the human rights machinery would have a far-reaching impact on the gradual realization of all human rights, including the right to development.

24. Although the Vienna Declaration and Programme of Action was a historic document, it concealed deep divisions. An alarming trend was emerging whereby the developed countries were defending civil and political rights, whereas the advocacy of the right to development was being left exclusively to the developing countries. Powerful States, which were in a position to make momentous decisions for breaking the vicious circle of poverty, underdevelopment

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and dependency, should not shirk their responsibilities. What was needed was a genuine, substantive dialogue and concerted action on human rights, democracy and development. Abject poverty - the fate of the majority of the human race - was the grossest violation of human rights. Hundreds of millions of poor people around the globe were hoping for a mere chance to survive, often denied them because of the failure of national systems or international apathy. The international community must move forward to help them.

25. The most shocking human rights violations took place during armed conflicts and civil strife, which not only threatened international peace and security, but spawned other crimes including genocide, torture and summary executions. Such conflicts also caused refugee movements. By employing preventive mechanisms of arbitration, peace-keeping and peacemaking, the United Nations could prevent human rights crises or stem their further deterioration. But attitudes towards international human rights organizations must change drastically. The condescending or even hostile attitude towards non-governmental organizations must be replaced by encouragement of their participation in policy-making.

26. The Serbian aggression continued unchecked under the indecisive gaze of the international community, which condoned the crimes of the aggressors through its inadequate response and procrastination. The continued suffering of the people of Bosnia and Herzegovina showed the fragility of the consensus on a universal approach towards human rights. In theory, it was easy to uphold the principle of the universality of human rights, but in practice the challenge required courage and concrete action.

27. Massive violations of human rights persisted with complete impunity in Jammu and Kashmir, as confirmed by many reputable and independent international human rights organizations, including Amnesty International, Human Rights Watch and several Indian human rights organizations. All human rights instruments had been violated in Kashmir; all humanitarian norms had been flouted.

28. The international community must prevail upon India to desist from the misguided policy which had brought so much suffering to the people in that region. India must be made to respect the human rights of the Kashmiri people. He hoped that the efforts of the international community in its quest for greater human freedom and individual dignity would assume universal scope. Its responsibility would be discharged only when oppressed people who, owing to vested interests, had remained outside the ambit of human sympathy, would finally be given the international community's urgent support.

29. Mr. WANG Xue Xian (China), speaking in exercise of the right of reply, said that the representative speaking on behalf of the European Union at an earlier meeting had made unwarranted attacks on China's human rights situation which must be refuted. In recent years, representatives of the European Union had used the meetings for repeated attacks on China, but their methods had deteriorated. They based their accusations on false statements and rumours and had to rack their brains year after year to concoct anti-China propaganda.

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heir skills in politicizing human rights issues and practising double standards hould none the less be given due recognition.

0. For the sake of the Third Committee and the United Nations, China felt it ecessary to expose the real intent of the European Union's interest in the uman rights situations of other countries. The European Union representative's tatement gave the impression that he was a champion of human rights, yet his ation was the very one that had launched the most brutal world war in history ntailing the most appalling violations of human rights. Certain countries in the European Union had once been responsible for the colonial rule and plunder of countries in Asia, Africa and Latin America, depriving the inhabitants of their dignity, dividing States and causing ethnic conflicts. They had left behind problems which still hampered the social, economic and cultural development of those countries and prevented their peoples from enjoying human rights. In the countries which regarded themselves as human rights defenders, xenophobia and racial and gender discrimination were prevalent, and serious human rights violations left tens of thousands of homeless people, drug addicts and prostitutes. They should be ashamed of making comments about countries in which they had caused unspeakable suffering.

31. The human rights situation in China was by no means perfect, but many difficulties were the vestiges of former colonial and imperialist rule. Under the leadership of the Chinese Government, the Chinese people had finally won independence, dignity and freedom, and over the decades the country's political, economic and cultural progress had attracted world-wide renown. Its democracy and legal system had been constantly improved. All ethnic groups coexisted peacefully. The Chinese people were better able to exercise their human rights and freedoms than ever before, as was recognized by all those who were not prejudiced.

32. The reason that some countries failed to acknowledge the progress made along those lines in China was that the Chinese people would not accept their values and social systems. On the pretext of taking interest in China's human rights situation, such countries were exerting political pressure in an attempt to impede development and compel the Chinese people to renounce the system they had chosen. Such efforts were in vain, for the Chinese people would never yield to outside pressure.

33. The Chinese Government had always supported and actively participated in all activities carried out in accordance with the United Nations Charter. It stood ready to cooperate in the field of human rights on the basis of mutual respect and equality. However, China strongly objected to any State or group of States interfering in its internal affairs in the name of safeguarding human rights.

34. Mr. AL-DOURI (Iraq), speaking in exercise of the right to reply, said he wondered how the representative of Norway had ascertained the veracity of the "well-documented information" on human rights violations in Iraq to which he had referred in his statement. Surely it would have been more appropriate to seek information from the Government of Iraq. His delegation was surprised that

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Norway, a country with no legitimate interest in Iraq or colonialist nostalgia, should launch such groundless accusations. He failed to understand the Norwegian delegate's claims of human rights violations by Iraq against Kurds in the north of the country, since that territory had not been government-controlled for some four years. As to the generalizations made regarding the Shiites, he pointed out that Shiite Muslims were found not only in southern cities but throughout the country and in particular in Baghdad. He imagined that the Norwegian delegate did not even know why they were persecuted, or whether he was aware of the difference between Sunni and Shiite Muslims.

35. Iraq regretted that Norway had not taken a more objective approach, in line with its humanitarian tradition, and had not focused on the 20 million people who were currently suffering the effects of the unjust economic embargo against Iraq.

36. Mr. MUCH (Germany), speaking in exercise of the right of reply on behalf of the European Union, said that the very tone of the Chinese delegate's statement had disqualified it.

AGENDA ITEM 99: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/49/L.15 and L.18/Rev.1)

Draft resolution A/C.3/49/L.18/Rev.1, entitled "Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements"

37. Mr. PARSHIKOV (Russian Federation), introducing the draft resolution on behalf of the sponsors, said that the need for a regional conference on refugees in the countries of the Commonwealth of Independent States and other relevant neighbouring countries was due to the emergence of serious problems in that region, with large numbers of refugees and other forced migrants fleeing from persecution and economic chaos.

38. He said the following revisions had been made to the text: in the second preambular paragraph the words "countries of the" had been added before the words "Commonwealth of Independent States"; in paragraph 1, a comma and the word "regional" had been added after the word "intergovernmental"; in paragraph 2, the words "countries of the" had been added before the words "Commonwealth of Independent States", and a comma and the word "regional" had been added after the word "intergovernmental"; and the whole of paragraph 3 had been deleted.

Draft resolution A/C.3/49/L.15, entitled "New international humanitarian order"

39. The CHAIRMAN announced that Italy, Mauritius and the Philippines had become sponsors of the draft resolution.

40. Mr. ZOUBI (Jordan), speaking on behalf of the sponsors, said that the following revisions had been made to the text: in paragraph 1, the word "expressing" had been altered to "expresses"; in paragraph 3, the words "within

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own countries" had been added after the words "concern to them"; in aph 4, the words "Governments as well as" had been added before the word nmental"; and in paragraph 5, the words "and to report" had been replaced order to report".

raft resolution A/C.3/49/L.15, as orally revised, was adopted.

r. VAUGHN-FENN (United Kingdom of Great Britain and Northern Ireland), ted by *Mr. KUEHL* (United States of America), said that although his tion had joined the consensus on the draft resolution, it considered that port of the Secretary-General requested in paragraph 5 was unnecessary and involve duplication of work in a situation where staff resources were d. The subject-matter could be appropriately dealt with in the Secretary-l's annual report on humanitarian questions.

ITEM 98: INTERNATIONAL DRUG CONTROL (*continued*) (A/C.3/49/L.13/Rev.1)

resolution A/C.3/49/L.13/Rev.1, entitled "International action to combat buse and illicit production and trafficking"

he CHAIRMAN announced that Antigua and Barbuda, Armenia, Austria, Belgium, , China, Finland, France, Germany, Guinea-Bissau, Guyana, Iceland, India, ius, Nicaragua, Norway, Pakistan, the Philippines, Portugal, Singapore, Sweden, Trinidad and Tobago, Ukraine, and Uruguay had become sponsors of aft resolution.

raft resolution A/C.3/49/L.13/Rev.1 was adopted.

r. BARRETO (Peru) said that, although his delegation had joined the sus on the draft resolution, it would have preferred paragraph 14 of I not to have been included or at least to have given a more balanced e of the economic and social aspects. His Government's national plan ling the drugs problem included efforts to control production and prevent t drug cultivation; the plan involved crop substitution as well as the tion of legal activities on the part of those currently involved in growing t crops. He called for programmes to promote comprehensive social and ic development on a sustainable basis, with international support. The cation of illegal crops should supplement those efforts.

ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (*continued*) /49/L.22, L.23 and L.24)

resolution A/C.3/49/L.22, entitled "Need to adopt efficient international res for the prevention and eradication of the sale of children, child itution and child pornography"

he CHAIRMAN reminded the Committee that paragraph 11 had been revised to "*Requests* the Secretary-General to ensure that the Centre for Human be provided within existing resources with the staff and other resources

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it requires to assist the Special Rapporteur and the Working Group of the Commission on Human Rights in the effective discharge of their mandate;".

47. Mr. BARRETO (Peru), speaking on behalf of the sponsors, said that Armenia had joined the sponsors of the draft resolution, and announced that, in paragraph 7, the word "commends" had been replaced by "takes note of".

48. Mr. REZVANI (Islamic Republic of Iran) welcomed the inclusion of children's rights in the agenda for the first time and the increasing determination to defend the rights of the most vulnerable and least vocal segment of humanity. Persistent violations of those rights had compelled the international community to give renewed attention to that most important issue; it was generally agreed that an urgent, comprehensive approach to the problem was essential.

49. The current state of affairs was appalling. Millions of children faced poverty, hunger, sickness, displacement, armed conflict, violence, prostitution, exploitation, and even the possibility of being sold. Amid such pain and suffering, girl children were made to carry the heaviest burden. Poverty and lack of economic growth in developing countries was the greatest factor in the exploitation of children and the violation of their rights, and the full realization of those rights would continue to be meaningless so long as poverty was not dealt with. It was incumbent upon the United Nations to take full account of children's issues whenever it considered family-related matters.

50. All the different types of violations of children's rights had their roots in widespread poverty, economic exploitation and the instability of family structures due to increasing divorce and the absence of ethical and spiritual values. The family, as the fundamental unit of society, should enjoy the best possible support and assistance.

51. His Government had formulated a national plan of action following the adoption in 1990 of the World Declaration on the Survival, Protection and Development of Children. In its examination of children's health in his country, UNICEF had concluded that some of the goals set forth in the Plan of Action for Implementing the World Declaration would be met even before the year 2000. His Government's policy regarding elementary education would ensure the expansion of facilities into all areas of the country, and the Iranian Constitution and judicial system were based on principles that strictly prohibited attempts to exploit children.

52. His Government saw supporting children and protecting their rights as a fundamental obligation, especially in the case of orphaned children. Protection of children constituted an investment in social well-being, and would lead to other benefits; it was essential that nations should allocate resources to their welfare.

53. Mr. MAUBERT (France), Mr. FERNANDEZ (Spain) and Mr. PRACANA (Portugal) announced that their delegations wished to join the sponsors of the revised draft resolution.

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54. Mr. KUEHL (United States of America) proposed that, in the first preambular paragraph of the draft resolution, the words "and their organs" should be deleted. The issue of the sale of children for the purpose of harvesting their organs was a most sensitive issue: if evidence of such a horrible crime were to arise, his Government would be the first to condemn it, and in the harshest terms. The Special Rapporteur had failed to demonstrate that such activities were indeed taking place; however, by assumption and innuendo, the report placed all Governments under suspicion of permitting those activities. His Government had found no credible evidence anywhere in the world that such a phenomenon was taking place. The Special Rapporteur had conceded in his report (A/49/478) that there was no significant evidence of such practices; the whole question should be reconsidered, and until such evidence was found, that type of reference should not be included in the draft resolution.

55. Mr. BARRETO (Peru) said that the wording of the first preambular paragraph of the draft resolution reflected the spirit of paragraph 21 of the Vienna Declaration. Consensus on the question was very important, and he urged the United States to withdraw its amendment.

56. Mr. FERNANDEZ PALACIOS (Cuba), supported by Mr. THOMPSON (Jamaica), Mr. NASCIMIENTO (Brazil), Mr. PORTALE (Chile) and Mr. VANNINI (Nicaragua), associated himself with the previous speaker's appeal to the United States representative to maintain the consensus achieved in the Committee by withdrawing his proposed amendment, and expressed surprise that wording identical to that found in the Vienna Declaration and Programme of Action and the relevant resolutions of the General Assembly and the Commission on Human Rights should be called into question.

57. Mr. KUEHL (United States of America) said that the consensus language in those instances had been adopted before the Special Rapporteur's report on the sale of children, child prostitution and child pornography (A/49/478) had been issued. He therefore urged the adoption of his proposed amendment, since his Government attached great importance to the issue in question.

58. The CHAIRMAN, bearing in mind that the proposal had not been accepted by consensus, asked the United States representative whether he wished to register a reservation on the point concerned or request a vote.

59. Mr. KUEHL (United States of America) said that, unless a delegation objecting to his proposal requested a vote, his amendment should be adopted. In his view, the proposal was a positive one, and he did not feel obliged to request a vote.

60. The CHAIRMAN therefore suggested that a recorded vote should be taken.

61. Mr. BARRETO (Peru), speaking on behalf of the sponsors, opposed the Chairman's suggestion; if the United States representative did not request a vote on his amendment, the draft resolution as it stood without the proposed amendment should be adopted without a vote.

62. Mr. KUEHL (United States of America) said he therefore requested a recorded vote on his proposed amendment.

63. Mr. BARRETO (Peru), supported by Mr. FERNANDEZ PALACIOS (Cuba), emphasized the need for consensus and urged the Committee members to vote against the proposed amendment.

64. A recorded vote was taken on the amendment proposed by the United States.

In favour: Israel, United States of America.

Against: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining: Nigeria.

65. The amendment proposed by the United States was rejected by 139 votes to 2, with 1 abstention.

66. Draft resolution A/C.3/49/L.22 was adopted.

67. Mr. KUEHL (United States of America) said that he had joined the consensus on the adoption of the draft resolution, although he did not wish to accept language which implied that the sale of children was a world-wide phenomenon.

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There was no evidence to support that myth, which the United Nations should not be involved in perpetuating. He pointed out that United States citizens had been attacked in some countries on the basis of rumours that they were involved in the sale of children. He reserved his right to explain his vote in the plenary Assembly.

Draft resolution A/C.3/49/L.23, entitled "Implementation of the Convention on the Rights of the Child"

68. The CHAIRMAN drew attention to the programme budget implications of the draft resolution (A/C.3/49/L.27) and announced that the following additional countries wished to become sponsors: Angola, Antigua and Barbuda, Algeria, Afghanistan, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Cape Verde, the Democratic People's Republic of Korea, the Dominican Republic, Ecuador, Fiji, Germany, Ghana, Guatemala, Guyana, India, Indonesia, Ireland, Israel, Jamaica, Kenya, the Marshall Islands, Mongolia, the Federated States of Micronesia, Morocco, Mozambique, Namibia, Nepal, Paraguay, the Philippines, the Republic of Korea, South Africa, the Sudan, Thailand, the former Yugoslav Republic of Macedonia, Tunisia and Yemen.

69. Mr. ELIASSON (Sweden), speaking on behalf of the sponsors, said that the following countries had also informed him of their wish to co-sponsor the draft resolution: Armenia, the Bahamas, Bhutan, Cambodia, Guinea, Jordan and Suriname. In view of the overwhelming number of sponsors, he was sure that the draft resolution would be adopted without a vote.

70. Mr. BENTALL (United Kingdom of Great Britain and Northern Ireland), noting that the funds entailed by paragraph 15 of the draft resolution had now been provided, said that his country now also wished to join the sponsors of the draft resolution.

71. Mr. ASIRDIN (Indonesia), speaking in explanation of his delegation's position, said that the work of the Committee on the Rights of the Child would be enhanced by increasing to three the number of its annual sessions, as recommended in paragraph 13 of the draft resolution, and by rationalizing that work with a view to the more effective and efficient fulfilment of its mandate.

72. Draft resolution A/C.3/49/L.23 was adopted.

73. Mr. MISAWA (Japan), while fully supporting the substance of the draft resolution, pointed out that the heavy workload of the Committee on the Rights of the Child was attributable to the fact that States parties were required to submit their first reports within two years of ratifying the Convention. He therefore suggested that the question of the number of annual sessions could be reviewed once those reports had been considered, since that Committee's workload would thereafter diminish.

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Draft resolution A/C.3/49/L.24, entitled "The plight of street children"

74. The CHAIRMAN announced that the following additional countries wished to sponsor the draft resolution: Albania, Angola, Belarus, Cambodia, Cameroon, the Dominican Republic, Ecuador, Guyana, Honduras, India, Kenya, Madagascar, Mauritius, Nepal, Nigeria and Senegal.

75. Draft resolution A/C.3/49/L.24 was adopted.

Draft resolution A/C.3/49/L.20, entitled "United Nations Year for Tolerance"

76. The CHAIRMAN announced that the Philippines and the Republic of Korea had joined as sponsors of the draft resolution.

77. Ms. FERTEKLIGIL (Turkey) said that the following countries also wished to co-sponsor the draft resolution: Antigua and Barbuda, Austria, Bangladesh, Belarus, Cambodia, the Dominican Republic, Georgia, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Panama, the Republic of Korea and Uruguay.

78. Mrs. LOPES de ROSA (Guinea-Bissau) and Mr. SOTIROV (Bulgaria) added that they too wished to join the sponsors.

79. Draft resolution A/C.3/49/L.20 was adopted.

The meeting rose at 6.05 p.m.

UNITED NATIONS
General Assembly
FORTY-NINTH SESSION
Official Records

THIRD COMMITTEE
42nd meeting
held on
Friday, 25 November 1994
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 10.30 a.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/5, 8 and 10)

1. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq) drew the Committee's attention to the deterioration of the human rights situation which he had observed in Iraq since his first report in March 1991.

2. Disappearances had been reported by thousands of families. According to the report of the Commission on Human Rights Working Group on Enforced or Involuntary Disappearances, Iraq's situation in that respect was by far the worst in the world. Credible testimony had been presented regarding the disappearance of Kuwaitis or of third-country nationals. More than 600 persons were still missing. Iraq was responsible for those disappearances. Recently, the Iraqi Government had seemed more willing to cooperate; it was to be hoped that it would take concrete measures to clarify the unsolved cases of disappearance.

3. The situation in southern Iraq was continuing to deteriorate. After having denied that the marshes were being drained, the Government had claimed that that drainage was part of a long-planned agricultural development project, and had then blamed Turkish dams.

4. The marshes, which had constituted one of the world's largest wetland ecosystems and a source of abundant fresh water in a region where it was in short supply, had largely dried up. The surrounding areas had been flooded and devastated, and virtually nothing had been done to make them cultivable again. The flora and fauna had disappeared. Because the Arab people who lived in the area, which had always served as a place of refuge, were not yet entirely under

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the control of the State, they continued to be pursued by the army and their cultural heritage was threatened.

5. The decrees numbered 59, 109, 115 and 117, issued by the Revolution Command Council and published in the _Official Gazette_ during the summer of 1994, prescribed cruel and unusual punishments for various offences, including mutilations for thieves, conscientious objectors, deserters, and any person who gave assistance to victims of legally prescribed mutilations. Military and civilian doctors were forced to carry out those mutilations, which were flagrant and deliberate violations of human rights.

6. He had also received allegations of political killings. Sheikh Al-Tamimi, assassinated in Beirut in April 1994, had been eliminated on orders from Baghdad. Mohammed Taqi al Khoei, the son of the late Shi'a community leader, had died in a bizarre road accident near Nadjaf on 21 July 1994, after having been subjected to threats and harassment for two years. In both those cases, as in others, the Government had clearly wanted to show all opposition forces that it could act with total impunity, even outside Iraqi frontiers, and that any who resisted could pay for it with their lives. That was a perfect example of terrorism.

7. Even the masses, who had been silenced and pacified under a quarter-century of oppression, were victimized. The Government was subjecting them to deprivation by refusing to sell oil under United Nations supervision to pay for purchases of medicine and food, as the Organization had been proposing for three years. The Government failed to cooperate fully with international humanitarian organizations, having long since instructed them to close down their offices in southern Iraq. It had declared that acceptance of assistance would compromise its sovereignty, but it had had no compunction in cutting the people's already limited rations, although it found the resources to move its troops around the country and to build palaces. It continued to complain about the sanctions, which excluded medicines and foodstuffs, and still maintained its own internal economic blockade, especially against the Kurds in northern Iraq.

8. There was no convincing reason why the Government should not accept the sale of oil under Security Council resolutions 706 (1991) and 712 (1991), and end the suffering of the population by providing the needed assistance. Its intransigence on that point was in itself a gross violation of human rights. It was not enough to condemn it, especially since there was no sign that the situation was going to improve; it was actually getting worse.

9. It would be desirable for human rights monitors to be sent to Iraq. They would be able to obtain first-hand information on the situation throughout the country, and their very presence would dissuade the Government from oppressing the country's people. They would also provide needed encouragement to all who felt hopeless in the face of continuing repression and human rights violations. The sending of observers had proved to be useful in El Salvador, Cambodia, Haiti and Rwanda. Were the people of Iraq less worthy of their protection? They needed it, and the United Nations should give them the opportunity to benefit from it.

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10. Mr. AL-DOURI (Iraq) said that he challenged the right to judge the human rights situation in Iraq of any person who, like the Special Rapporteur, was neither neutral nor objective. Furthermore, the situation in Iraq could not be assessed without taking into account the circumstances which brought it about, especially the embargo imposed by the United Nations. Mr. van der Stoel was well aware that most of the problems he described could be solved only by the lifting of the embargo, at least in part, to enable the purchase of foodstuffs and medicines.

11. He appealed to the members of the Committee and the General Assembly to begin a real dialogue with Iraq and to refrain from the use of essential goods as a political weapon, which was causing immense harm to the Iraqi population during a period which was supposedly dedicated to the protection of human rights. He believed the painful experience of Iraq, like those of the Libyan Arab Jamahiriya and Somalia, seriously endangered the credibility of the United Nations and of its human rights activities. It was not possible to invoke the Charter of the United Nations to justify the inhumane embargo to which the Iraqi population was being subjected.

12. Regarding his first point, the situation of missing Kuwaitis, the Special Rapporteur had stated in paragraph 13 of his report (A/49/651) that he had been mandated by the Commission on Human Rights to examine that situation. To Iraq's knowledge, the Special Rapporteur had not been asked to carry out that mission. The case of missing Kuwaitis, which was dealt with in Security Council resolution 686 (1991), had been referred to the International Committee of the Red Cross (ICRC), since the problem was a consequence of an armed conflict. Furthermore, a tripartite committee comprising the representatives of Iraq, the Allies and ICRC had been set up to examine that question. Its work would be followed up by a committee which Iraq itself had established for that purpose. It was generally known that Iraq had provided information about 130 of the missing persons. However, the issue was problematic, since the relevant documents had been destroyed. Iraq was seeking to rectify the problem, but its efforts had been hampered by attempts to politicize the matter and the vagueness of many of the allegations. Initially it had received more than 4,000 requests for information; currently there were no more than 600. The Iraqi Minister for Foreign Affairs, Mr. Tarik Aziz, had reiterated Iraq's intention to cooperate with ICRC and stressed the need to refrain from confusing political manoeuvres with issues of a humanitarian nature.

13. Regarding the people referred to by the Special Rapporteur as Marsh Arabs, he maintained that what was happening in southern Iraq did not come under the Special Rapporteur's mandate. He intended to submit a document proving that the Government's activities in that region were simply irrigation projects designed to make submerged areas suitable for agricultural use, which would actually benefit the local population. They were United States, British, Japanese and Russian projects, sponsored by private companies from those countries. Furthermore, German and Brazilian companies had been working in the region until August 1990. Iraq was pleased, under the circumstances, to pursue those land development projects. The Third River or "Saddam River" project was designed to decrease the salinity of the river water with the purpose, inter alia, of making

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it drinkable and increasing the amount of land available for cultivation. Iraq had been pursuing those objectives even before the war with Iran. In that connection, he cited an article from the Defense and Foreign Affairs Weekly report, which made it clear that the tendentious version of events based on a CIA report which maintained that the Iraqi projects were designed to harm the Marsh Arabs were actually intended to prevent Iraq from developing its potential. Moreover, the marshes were located on the border with Iran and served as a base for criminal deserters from the armed forces and groups in the pay of a neighbouring State; such groups were engaged in blackmail and terrorism against the population of the region with a view to inciting them to flee to Iran. In that connection it was worth remembering that over 20,000 Iraqi prisoners of war were still being detained in Iran.

14. Regarding what the Special Rapporteur termed the legal application of cruel and unusual punishments, that issue could not be considered without taking account of the deterioration of the social situation and security conditions. When revolting crimes were perpetrated, the usual sanctions, including the death penalty, were no longer effective. It had therefore been necessary to resort to other deterrent punishments, particularly for economic crimes.

15. Regarding the three so-called political killings mentioned by the Special Rapporteur, in the case of Sheikh Al-Tamimi, who was murdered in Beirut, Iraq denied all responsibility in the matter and had asked to participate in the commission of enquiry set up by Lebanon, but the request had been turned down. Regarding the case of Lissy Schmidt, the fatality had taken place in northern Iraq in the area occupied by the Allies, so the Iraqi authorities could not be implicated in any way, especially since they had no reason to eliminate Lissy Schmidt. Northern Iraq was the scene of bloody power struggles between various factions; foreign intelligence services with political interests in the region were also active there. Lastly, regarding the Al-Khoei affair, he said that Iraq had sent a detailed letter on the subject to Geneva, casting doubt on the honesty of the Special Rapporteur's informants. The letter stated that the burial of Mohammed Taqi Al-Khoei had taken place without incident and that none of his property had been confiscated.

16. In paragraph 88 of his report, the Special Rapporteur accused Iraq of having long been involved in terrorist activities both inside and outside its borders. Legitimate questions could be asked about the value of such an accusation coming from an individual who had given his opinion on a killing, that of Sheikh Al-Tamimi, before the investigation had been completed.

17. Regarding the final point mentioned by the Special Rapporteur, namely, the right to food and health care, he referred to the statement made before the Committee by the representative of the Food and Agriculture Organization of the United Nations (FAO) on 23 November 1994, who said it was impossible to talk of respect for human rights when people were going hungry. If he had really wanted to protect human rights, Mr. van der Stoel should have called for the lifting of the food and medicine embargo. He referred the members of the Committee to the reports of the specialized agencies which showed that the standard of living and state of health of Iraqis were continuing to decline. According to FAO, only a

boost to the economy and the recovery in international trade which such a boost would imply could improve the situation in Iraq. Meanwhile, the country was obliged to pursue a policy of rationing. Regarding health care, Iraq was one of the countries which had achieved a satisfactory level in that regard. Unfortunately, the scarcity of medicines had resulted in an increase in the mortality rate; between August 1990 and March 1994 the country had recorded 384,022 deaths, a figure that could be attributed to the continuing embargo. Infant mortality had reached 126 per 1,000 compared with 32 per 1,000 between 1985 and 1990.

18. His delegation categorically rejected the reasoning of the Special Rapporteur when he accused Iraq of being responsible for the poverty of its population by reason of its refusal to apply Security Council resolutions 706 (1991) and 712 (1991). During the five rounds of negotiations held in New York and Geneva in 1992 and 1993, Iraq had tried to secure measures that would have enabled it to meet the basic needs of its people. Those efforts had not succeeded owing to pressure exerted by the United States of America. In the opinion of the United Nations experts who had participated in those negotiations, the measures stipulated by the two above-mentioned resolutions did not apply either to the petroleum industry or to the banking sector. Was it reasonable that the signing of a crude oil export contract should involve at least 30 formalities and the import of food and medicine should entail some 20 administrative steps? Moreover, within Iraq itself, those products were subject to the supervision of hundreds of United Nations observers. Iraq was paying a very high price to maintain its independence and sovereignty.

19. He rejected recommendations (a) to (f) of the Special Rapporteur's report because they did not come under his mandate but that of ICRC in accordance with the Geneva Convention of 1949. For its part, Iraq was cooperating with ICRC.

20. Furthermore, Iraqi felt that the Special Rapporteur was not competent to formulate recommendations (g) and (h); that task fell under the jurisdiction of the United Nations Compensation Commission, which exercised its functions in accordance with Security Council resolution 687 (1991).

21. Regarding the dispatch of human rights observers, Iraq was not the only State rejecting such a recommendation; it was challenged by a number of third world countries concerned with preserving their sovereignty.

22. His delegation concluded by stating that a Special Rapporteur who lacked objectivity and let himself be manipulated for political ends was hardly suited to the task of advancing the cause of human rights.

23. Mr. KEATING (New Zealand) said that the Conference on Human Rights in Vienna had overwhelmingly endorsed the role of the United Nations in the promotion and protection of human rights. The legal instruments relating to human rights and the mechanisms for their implementation provided a solid foundation, which had been further enhanced by the recent establishment of the post of High Commissioner for Human Rights, an initiative which had been supported by New Zealand.

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24. Human rights violations were, however, still occurring in some parts of the world, sometimes on a massive scale. His delegation believed that, while Governments were responsible for the protection of their citizens, the international community must act when States violated the fundamental principles laid down in the Charter of the United Nations.

25. The United Nations should pursue its work in the field of human rights in a non-political and non-selective way, and the mechanisms established to ensure respect for those rights should take practical and action-oriented measures. One of the primary mechanisms in that connection was the Programme of advisory services and technical assistance in the field of human rights, the role of which was to help Governments to provide themselves with the legislative and other machinery for promoting and protecting human rights. That so many countries requested assistance in that area demonstrated the utility of such a programme. Similarly, the World Public Information Campaign on Human Rights promoted an environment which enhanced awareness of, and respect for, human rights. The role played by the bodies set up to monitor compliance by States Parties with the various international human rights instruments was also a vital one; those bodies helped to define the content of the rights set out in those instruments and to examine the extent to which States Parties met their obligations under them. The bodies which dealt with specific questions such as torture or forced disappearances also played a useful role in that they helped to develop a better understanding of the nature and causes of particular kinds of violations. Lastly, the United Nations had developed a system of working groups, special representatives and special rapporteurs to investigate allegations and to report to the international community on the human rights situation in certain countries. In that connection, the reports submitted at the current session called for a number of observations.

26. The latest report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia confirmed that human rights abuses were continuing on an appalling scale. In Bosnia and Herzegovina, the resurgence, in the areas controlled by the Serbs, of forced displacements and ethnic cleansing, military attacks against civilian targets and the obstruction of convoys providing humanitarian assistance was a matter of the gravest concern. Those responsible for such abuses must be made to understand that they would one day be brought before the International Tribunal which was currently in session in The Hague. His delegation condemned all such abuses and supported the efforts of the Commission on Human Rights to bring an end to the tragedy.

27. In Rwanda, violations of human rights had reached a level beyond comprehension. The cycle of violence between the two communities in the country must be ended. The objective must be to establish a just and fair society based on law and respect for life and fundamental rights. National reconciliation could be achieved, however, only if those accused of genocide were brought to justice. New Zealand had played a leading role in the Security Council's efforts to establish an International Tribunal to prosecute those alleged to have committed genocide. It had also supported the dispatch of human rights monitors and had been pleased to provide financial assistance to fund their work. It urged the new Government of Rwanda to extend its full cooperation to

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the Tribunal and to the monitors in order to create an atmosphere conducive to national reconciliation.

28. With regard to Iraq, his delegation was dismayed by the continuing oppression and flagrant violations of human rights to which the Iraqi people were subjected by their own authorities. The persistent assault on the environment and the lives of the inhabitants of the southern marshlands was a matter of particular concern. New Zealand once again appealed to the Government of Iraq to put an end to the brutality committed by the military and others. His delegation had been particularly shocked by the statement of the representative of Iraq, who had tried to deceive the members of the Committee. The Sanctions Committee was kept regularly informed of the situation in Iraq and knew that large quantities of foodstuffs and medicines reached the country without hindrance. There had been no food blockade and the precarious situation of the civilian population was attributable solely to the political choices made by the Government of Iraq.

29. The serious violations of human rights in Iran reported by the Special Representative of the Commission on Human Rights, in particular the limitations on freedom of religion and belief, were cause for concern. His delegation urged Iran to cooperate with the Special Representative.

30. The report on the human rights situation in the Sudan showed that, far from improving, the situation had deteriorated, particularly in the southern part of the country where the bombardment of civilian targets had intensified. His delegation urged the Government and the other parties to the conflict to respect basic human rights and international humanitarian law.

31. According to the Special Rapporteur, the human rights situation in Cuba had not changed dramatically. His delegation, however, welcomed the recent visit to that country by the High Commissioner for Human Rights and hoped that the Cuban Government would assist the Special Rapporteur in the fulfilment of his mandate.

32. Although the human rights situation in Myanmar remained a matter of serious concern, some signs of improvement could be noted. For instance, a dialogue had been initiated with Aung San Suu Kyi which was likely to continue. His delegation recognized that diplomatic isolation had not paid off in Myanmar and that the development of contacts with the outside world was likely to stimulate liberalization in that country. New Zealand was therefore in favour of engaging in a constructive dialogue and hoped that, in response to that initiative, the State Law and Order Restoration Council would take a series of political and human rights measures, including the unconditional release of Aung San Suu Kyi.

33. In Afghanistan, the continuing armed conflict and the lack of an effective central government were the principal causes of the failure to respect human rights. New Zealand applauded the ongoing efforts to find a political solution to the conflict, including those of the United Nations special mission.

34. Not all the news was depressing, however. The human rights situation should improve in South Africa, where the political climate and the interim

constitution provided a good starting point; in Haiti, where the legitimate authorities had been restored; and in El Salvador, where the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) had recently signed a joint declaration reflecting their determination to cooperate closely in compliance with the Peace Agreements.

35. Lastly, he wished to emphasize that the various mechanisms established to promote human rights could only function if they received the necessary human, material and financial support. The international community must be prepared to provide them with appropriate resources.

36. Mr. BUTLER (Australia) said that the Vienna Conference had made it possible to bring the viewpoints of States on the question of human rights closer together, even if it had not totally put an end to the debate between the adherents of a "liberal" concept and those favouring a more "collectivist" concept, the former stressing civil and political rights and the second, economic and social rights. The Vienna Declaration and Programme of Action clearly reaffirmed that there was no hierarchy in human rights and that cultural differences should not be invoked to justify violations of those rights, which all States had a duty to promote and protect.

37. He welcomed the consensus that had emerged on the legitimacy of United Nations action in that area, in respect both of thematic approaches and country-specific decisions. Under the United Nations Charter, States should take measures to promote human rights, extend wholehearted support to the action undertaken by the Organization in that area and cooperate fully with the machinery created under human rights instruments.

38. Australia shared the concern of the international community regarding the situation of human rights in Cuba and urged the Cuban Government to authorize the Special Rapporteur to visit the country.

39. It also urged Iran to authorize the Special Rapporteur to make a fourth visit to Iran and called on Iran to show more respect for human rights, particularly the right to due process and to equal protection before the law.

40. His delegation was deeply concerned by the fact that the situation of human rights in Iraq showed no sign of improvement; it urged the Iraqi Government to cooperate with the Special Rapporteur and to accept the proposal that a team of human rights monitors should be stationed in the country.

41. In view of the seriousness of human rights violations in the Sudan, Australia regretted that the Sudanese Government had not authorized the Special Rapporteur to visit the country and was particularly concerned about the treatment accorded to opponents and the forced relocation of population groups. It called on the Sudanese Government to respect the International Covenant on Civil and Political Rights, to which the Sudan was a party, and to negotiate a solution to the civil conflict.

42. Australia noted with concern the findings of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and urged

the parties to the conflict to ensure an immediate cessation of human rights violations. The continuing and escalating conflict in Bosnia and Herzegovina threatened chances of finding a peaceful solution and might cause new population displacements. Australia unreservedly supported the efforts of the international community and the Security Council to put an end to the fighting, as well as the work of the International Tribunal on the former Yugoslavia.

43. Australia remained deeply concerned about the continuing humanitarian tragedy in Rwanda, particularly the presence of a considerable number of internally displaced persons and refugees in neighbouring countries. The situation was particularly alarming in the refugee camps in Zaire, where - according to the relief agencies, which threatened to withdraw if the international community did not intervene - former Government forces were maintaining a reign of terror. Australia welcomed the creation of a tribunal to try war crimes in Rwanda and the initiative of the High Commissioner for Human Rights in establishing a team of human rights monitors in that country. It had also paid a contribution of 100,000 Australian dollars to finance the deployment of the monitors.

44. Although the situation in Myanmar was developing favourably, the people of that country were still deprived of their fundamental rights and freedoms. Australia once again called on the Myanmar authorities to release unconditionally Daw Aung San Suu Kyi and other political prisoners and to work with them in promoting national reconciliation. In that context, Australia welcomed the fact that the State Law and Order Restoration Council had met with Daw Aung San Suu Kyi and United Nations representatives and hoped that those meetings would make it possible to initiate a dialogue on the political future of Myanmar. It was pleased to note that, in the eyes of a number of countries, the situation in Myanmar had more chances of progressing through dialogue than through confrontation and isolation. Senator Gareth Evans, Minister for Foreign Affairs of Australia, had prepared a series of benchmarks which provided a means of gauging such progress.

45. He recalled that States should abrogate legislation leading to impunity for perpetrators of serious human rights abuses and should prosecute them. In its desire to enhance respect for human rights throughout the world, including Australia, his country had adopted a constructive approach in that area. That approach was characterized by affirmation of the principles of the universality of human rights, rejection of any hierarchy among those rights, maintenance of a coherent position in that area, whatever the country concerned, pragmatism, i.e., the search for the most effective means of promoting human rights, and patience, in other words, recognition of the fact that the essential conditions for enhancement of respect for those rights (better legislative and judicial systems, economic liberalization) could not be established from one day to the next.

46. Mr. SOEGARDA (Indonesia), speaking on agenda item 100 (d), said that Indonesia's action in the field of human rights was based on the Vienna Declaration and Programme of Action. At the tenth summit, held in Jakarta, the non-aligned countries had reaffirmed the universality and indivisibility of human rights, as well as the principles of impartiality and non-selectivity that

should govern consideration of that question. Human rights should not be used as pretexts for the exertion of political pressure, particularly against non-aligned countries and other developing countries. In accordance with the principles of national sovereignty, self-determination and non-interference in the internal affairs of other States, all countries had the right to establish the political and economic systems and institutions of their choice.

47. For many years now, many countries, in particular the non-aligned, had been making great efforts to bring about a balance in the international human rights, so as to reflect the imperative need to combat the poverty from which hundreds of millions of persons were still suffering. The right to development had been formally recognized in the Declaration on the Right to Development, and the World Conference at Vienna had recalled its importance, but the fact remained that many Member States had little concern about ensuring respect for it, which his delegation and those of the non-aligned countries deplored. His delegation also regretted that the Working Group on the Right to Development established by the Commission on Human Rights did not enjoy the necessary support to discharge its mandate. The ministers for foreign affairs and heads of delegation of the non-aligned countries had recalled, at the beginning of the current session of the General Assembly, the need to create an evaluation mechanism to ensure the implementation of the right to development. His delegation therefore eagerly awaited the report that the Working Group in question was to submit to the Commission on Human Rights at its fifty-first session. It also hoped that the Third Committee would once again adopt by consensus the draft resolution on the right to development.

48. His delegation welcomed the activities of the High Commissioner for Human Rights, but pointed out that the mandates and the work of the Commission on Human Rights and its subsidiary bodies must be reviewed with a view to avoiding duplication. Moreover, the restructuring of the Commission's agenda should be accompanied by a rationalization of its work, as indicated in Commission resolution 1993/98. His delegation was also of the view that the United Nations human rights machinery must demonstrate impartiality, objectivity and non-selectivity, and take into account all aspects of human rights, including the right to development, in the spirit of the Vienna Conference.

49. With regard to the Centre for Human Rights, his delegation recalled what it had previously indicated, namely that the Centre's mode of operation must be made more transparent; to that end, a review must be conducted of its mandate, the manner in which it discharged that mandate, the composition of its personnel and its methods of appointment. The capacity of the Centre for advisory services and technical assistance also needed to be strengthened. With regard to enhancing the capacity of the United Nations in human rights activities, Indonesia had been somewhat dismayed by the proposed revisions to Programme 35 of the medium-term plan for the period 1992-1997, as contained in document A/49/6. Those revisions departed from the letter and spirit of the Vienna Declaration and Programme of Action. It was to remedy that state of affairs that the non-aligned countries had proposed a number of amendments to the Programme; as the matter had been referred to the Fifth Committee, his delegation and the non-aligned countries would pursue it in that forum.

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50. In conclusion, his delegation recalled that Indonesia, like all the non-aligned countries, was determined to secure the implementation of the Vienna Declaration and Programme of Action and to move the human rights agenda forward. It was determined that human rights should not be used as political instruments against Member States and that the United Nations bodies dealing with human rights should show themselves more effective, more transparent and more responsive to the concerns of countries.

51. Mr. BIGGAR (Ireland) said that his delegation fully supported the statement recently made by the representative of Germany on behalf of the European Union under agenda items 100 (b) and 100 (c) relating to the human rights situation in the world. His delegation wished to address specifically the question of freedom of religion or belief, and in that connection it welcomed the adoption by the Human Rights Committee in 1993 of a general comment on article 18 of the International Covenant on Civil and Political Rights which stressed that the Covenant permitted no limitations on the freedom of religion and belief other than those which were prescribed by law and were necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. Nevertheless, it must be acknowledged that violations of freedom of religion and belief remained numerous, and were often linked with denial of human rights as fundamental as the right to life, the right to physical integrity and security of the person, the right to freedom of expression, the right not to be tortured and the right to be free from arbitrary arrest or detention. His delegation was particularly concerned at the religious intolerance in the Islamic Republic of Iran, where the Baha'i community had been persecuted for many years, to the extent that its viability as a religious community was threatened; in Yugoslavia, where intolerance took the form of ethnic cleansing; and in the Sudan. The situation was also far from satisfactory in many countries whose Governments intentionally violated the fundamental rights of individuals with respect to religion, inter alia, by prohibition of religious rites, forced conversion or prohibition to change one's religion, and went so far as arrest, torture and execution in order to impose their will. In other countries, violations of the freedom of conscience and religion took the form of discriminatory economic and social measures.

52. The Special Rapporteur on forms of intolerance and discrimination based on religion or belief had rightly stressed the elimination of those forms of discrimination could not be dissociated from respect for all human rights, which could not truly be promoted in the absence of democracy and development.

53. In order to combat intolerance, it was essential and urgent for States to ensure that freedom of religion and belief was fully guaranteed to all those within their jurisdiction. That required not only the adoption of legislation on the subject, but also action to ensure that all those whose activities had a bearing on justice - law-makers, judges and police officers, among others - were informed of that legislation. It also required the existence of remedies, at the national and international levels, for those whose fundamental rights had been violated. But if discrimination on religious grounds was to be eliminated, there was also a need to shape the conscience of individuals and, to that end, to teach human rights to children, young people and the general population through the media and community-based activities. Proper training must also be

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provided for law enforcement officials. In that connection, his delegation was pleased to note that some of the activities to take place during the Year of Tolerance in 1995 would be aimed at identifying the causes and manifestations of religious intolerance.

54. Churches and religious leaders had a particular responsibility in that area, in that their conduct served as an example. Unfortunately, they did not always exhibit the spirit of tolerance and moderation expected of them. In the former Yugoslavia, for example, the clergy did not always contribute to overcoming extreme nationalistic feelings.

55. As in previous years, his delegation intended to introduce a draft resolution on the elimination of all forms of religious intolerance. It was prepared to discuss it with all delegations, and hoped that it would be adopted by consensus.

56. Mr. HASHIM (Bangladesh), speaking on item 104 (b), pointed out that many developing countries had a great deal of difficulty in ensuring respect for human rights to the same extent as in the developed countries, because of the difficulties they were facing in the socio-economic sphere. By making the right to development a fundamental human right, the Vienna Declaration had recognized that reality. A new premise had been introduced which expanded the concept of violation of human rights to include the idea of deprivation which led to the inability to enjoy recognized rights.

57. There was thus an urgent need for socio-economic rights to be codified into the whole body of human rights. That would also make it possible to identify actors relevant to those expanded rights and their respective responsibilities in protecting and preserving those rights. At a time marked by internationalization of the market-place, which made the domestic economy dependent on external forces, that issue was a particularly topical one. He cited by way of example the European Union which, despite the differences in levels of industrialization and development between the North and the South of the region, had been able to adopt a social charter based on common standards. If the rights and dignity of the individual were to be guaranteed, society as a whole must first be assured of equitable and sustainable development. Moreover, it was also essential to ensure that the vocabulary used in the sphere of human rights was free from all cultural bias. In that connection, he noted with satisfaction that a round table convened by a non-governmental organization aimed at strengthening the universality of human rights was to take place in Jordan the following month. He hoped that the deliberations of the round table would provide useful inputs for the codification of human rights.

58. The role played by the Centre for Human Rights could not be denied, but it must be recognized that the efficiency of its activities could be strengthened. In particular, the Centre needed to examine more closely the origin of the information submitted to it, in order to ensure that it was receivable. That would enable it to screen out communications which were either exaggerated or unfounded. Lastly, coordination must be established between the High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteurs. Cases had been known in which information from one source had been

sent to those offices, which in turn sent separate communications to the Governments concerned.

59. Ms. DROZD (Belarus) thought it quite legitimate for the international community to assign priority to the promotion and protection of human rights, since that was a basic prerequisite for peace and progress in the world. The results of ethnic intolerance and aggressive nationalism in the former Yugoslavia and in Rwanda showed that only humanitarian traditions could put a stop to such appalling phenomena. The efforts of the High Commissioner for Human Rights to strengthen regional cooperation in that sphere were therefore to be welcomed. The trilateral cooperation between the High Commissioner and organizations such as CSCE and the Council of Europe could not but be beneficial to the systematic exchange of information, knowledge and experience in that regard.

60. Her delegation attached particular importance to the Programme of Advisory Services and Technical Assistance offered by the Centre for Human Rights. It was grateful to the Centre for the help which it had, together with the Council of Europe, given Belarus in carrying through the reform of its national legislation. Belarus hoped that the Centre's technical assistance programme would help it set up a national plan of action for human rights.

61. The general elections which had brought the President of the Republic to power were an indication that the country had chosen the path of democracy. By opting for democratic principles - political pluralism, primacy of law, respect for human rights, equality among citizens, freedom of expression, tolerance and respect for the law, in the interests of limiting the abuse of power - Belarus was giving evidence of its desire to be integrated into the European humanitarian area.

62. Belarus, standing as it did at the crossroads of major lines of communication, played a far from negligible role in international political and cultural life. Belarusians were a friendly and tolerant people who had never represented a threat to neighbouring countries, but who unfortunately, owing to the geographical position of their territory, had always suffered the consequences of European conflicts. It could well be understood in those circumstances that the country's policy could only be one of peace based on respect for humanitarian values.

63. Her delegation reacted positively to the missions carried out by the High Commissioner for Human Rights to Estonia and Latvia in October 1994. During the missions, the High Commissioner had addressed the situation of national minorities in those countries. The policy of the Baltic countries with regard to people who were not of native stock had led to Belarus receiving an influx of immigrants of whom 80 per cent, according to the national immigration service, were from Latvia and Estonia. The exodus was due to the adoption by those countries of various measures limiting access to citizenship, in violation of article 15 of the Universal Declaration of Human Rights. Yet the members of the Belarusian minority which had fled the Baltic countries really considered themselves citizens of those countries.

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64. Her delegation hoped that the fair and impartial approach to the matter adopted by the High Commissioner would make a satisfactory solution possible. It was convinced that the key to the peaceful and constructive settlement of a problem of such complexity lay in the protection of human rights. As Socrates had said, man was the measure of all things.

65. Mr. ELIASSON (Sweden), speaking on agenda item 100 (b) and (c), deplored the political exploitation of ethnic tensions which was currently taking place with unparalleled brutality in various parts of the world. In the former Yugoslavia, particularly in Bosnia and Herzegovina, so-called ethnic cleansing had to cease immediately. It was of crucial significance that the International War Crimes Tribunal for the Former Yugoslavia, which had been able to start its work, should be given the resources needed for its efficient functioning. Discrimination on ethnic grounds existed also in the Federal Republic of Yugoslavia (Serbia and Montenegro), where the Albanian population in Kosovo, in particular, but also the non-Serb populations in Sandzak and Vojvodina, were victims of persistent and systematic discrimination.

66. He deplored the terrible situation in Rwanda, where an international tribunal for crimes committed had also been established; in Iraq, where dissident opinion was persistently oppressed and some sections of the population continued to be persecuted; in the Sudan, where human rights abuses were rife, particularly in the Nuba mountains; and in Myanmar, where hundreds of political prisoners remained incarcerated.

67. He urged the parties to the conflict in Kashmir to work towards a peaceful solution to the dispute and ensure the protection of the civilian population. His Government was also most concerned by violations of the freedom of expression in Turkey and urged the Government of Turkey to intensify its efforts to ensure respect for human rights, not least in the fight against terrorism.

68. The situation in Guatemala, including the recent resurgence of violence, was of serious concern, despite the progress made in the peace process. He urged the parties to complete the peace negotiations in accordance with the Framework Agreement for the Resumption of the Negotiating Process of January 1994. The will expressed by the parties in El Salvador to pursue the peace process was welcome, but arbitrary detentions and abuses by the police had to be halted. He called on El Salvador to accede to international human rights instruments. The commitment expressed by the Colombian Government to improving the human rights situation and to cooperating with international human rights organs was a welcome one. He called for an end to impunity for military personnel who committed violations of human rights. Lastly, Sweden welcomed the return of President Aristide to Haiti and expressed the hope that a peaceful transition to democracy and respect for human rights would be effected.

69. The right of each individual to express freely his or her views, to have or to adopt a religion and to join or create associations was fundamental to the building of democracy. Such freedom did not exist, or was severely curtailed, in many parts of the world. One such was the Islamic Republic of Iran, where Baha'is and certain Christian communities suffered the most terrible discrimination; another was Nigeria, where the fundamental freedoms of those who

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spoke out against the Government were encroached upon. In Algeria political violence had affected all those seeking to exercise the freedom of expression, while in Bangladesh intolerance had been shown by extremists, particularly against the author Taslima Nasrin.

70. In China repressive measures continued to be taken against dissidents and some ethnic and religious groups. The human rights situation in Tibet was of particular concern and gave rise to worries about the survival of the Tibetan ethnic identity.

71. The repression of those advocating democratic reform in Cuba continued unabated. He urged the Cuban Government to cooperate with the Special Rapporteur of the Commission on Human Rights. He also called upon the Indonesian Government to end its repression of dissidents in East Timor. Lastly, he requested the Governments of Turkmenistan, Uzbekistan, Tajikistan and Georgia to adhere to international human rights instruments and ensure respect for the rights of persons whose views differed from those of the Government.

72. Racist and xenophobic attitudes could be changed, as borne out by developments in South Africa. In that connection, Sweden welcomed the commitment by the Government of National Unity to create a non-racial society. It also urged the different parties concerned in Burundi to continue the dialogue aimed at national reconciliation and the building of democracy.

73. In some parts of the world the situation of children was still appalling. He drew particular attention to violations of the rights of the girl child, deploring the failure by several countries, particularly in Africa, to adopt measures aimed at putting a stop to certain forms of genital mutilation.

74. Persistent human rights violations in Liberia and Sierra Leone had had serious consequences for children. In countries such as Afghanistan, Angola, Mozambique and Cambodia thousands of children had been maimed by land mines. Sweden strongly condemned the recruitment of children as soldiers and urged States to ensure that children under the age of 18 did not participate in hostilities.

75. Sweden was convinced that by creating the post of High Commissioner for Human Rights, human rights would be given the priority they deserved in the United Nations system. Sweden requested the High Commissioner to do everything in his power to coordinate and strengthen United Nations action in the area and to continue his dialogue with all Governments.

76. Mr. REMIREZ de ESTENOZ BARCIELA (Cuba), referring to agenda item 100 (c), deplored yet another attempt by the General Assembly to politicize human rights thereby creating an atmosphere of tension and suspicion which was not in keeping with its role. Over the years it had become increasingly apparent that the appointment of a rapporteur on the human rights situation in Cuba was unjustified, discriminatory, illegitimate and unfair. Cuba could not be accused of ever having resorted to torture, political assassinations, or of violating the physical or moral integrity of prisoners of war or confessed terrorists, even when terrorists working for a foreign Power were on its territory. It

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could not be accused of ever having caused detainees to disappear or of ill-treating prisoners of war, not even the mercenaries who were taken prisoner during the invasion of the Bay of Pigs organized by the United States Government.

77. If Cuba could be accused of anything, it was of having raised the population's standard of living, having set up one of the best health services in the third world, eradicated illiteracy and given the entire population access to education, reduced infant mortality, increased life expectancy and provided medical assistance to many countries.

78. The Special Rapporteur's report had no legitimate basis since it systematically questioned the legal, political, social and economic system which the Cuban people had freely chosen. Cuba was determined to pursue the economic reforms it had undertaken in spite of the obstacles posed by the embargo. It intended to normalize its relations with Cubans living abroad, irrespective of their place of residence, and to maintain its cooperation with the United Nations human rights bodies, including the High Commissioner for Human Rights, notwithstanding the unfair resolutions that had been adopted against it.

79. Mr. BRAHA (Albania), referring to the reports of special rapporteurs and representatives, said that his country was particularly concerned by the human rights situation in the former Yugoslavia, especially in Bosnia, where the war of aggression which the Serbs had been waging for nearly three years had been characterized by the abhorrent practice of ethnic cleansing among the civilian population particularly in Banja Luka and Prijedor. In that connection Albania supported the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.

80. Police and military repression by the Serb authorities in other parts of the former Yugoslavia, particularly Kosovo, remained a matter of concern. In Kosovo, 2 million ethnic Albanians lived under a reign of terror. The Special Rapporteur, Mr. Mazowiecki, had described the arrests, ill-treatment, torture and searches to which Albanians in Kosovo were subject. In a report dated September 1994, Amnesty International had given a similar account of the situation in the region, which could be likened to apartheid. Albanian language education was prohibited, Albanian teachers were persecuted and Albanian cultural and scientific institutions had been obliged to close. The repression of the Albanian population of Kosovo by the Belgrade regime was a form of ethnic cleansing carried out for the purpose of colonizing the region with Serbs. The Commission on Human Rights had condemned the discrimination against Albanians in Kosovo and urged that the will of the population in the region be respected. The situation there continued to deteriorate and it was therefore essential that the United Nations should take immediate steps to ensure that the region returned to normality.

81. Reviewing the progress which had been made in his country in recent years since the restoration of democracy, he pointed out that national legislation had been brought into line with democratic principles, freedom of the press had been recognized, all citizens had been declared equal before the law, human rights

had been spelled out in the Constitution and a modern judicial system, based on the principle of the independence of the judiciary was in the process of being established; lastly, there was full freedom of movement and information and, for the first time in nearly a quarter of a century, the opportunity of freely manifesting religious beliefs.

82. He pointed out that the Greek minority in Albania enjoyed full equality before the law and participated in the political, economic and social life of the country. The minority lived in harmony with the Albanians. Mr. Max van der Stoel, the High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe (CSCE), had acknowledged that fact in the report he had submitted at the meeting of the Committee of Senior Officers of CSCE held recently in Budapest. There was no truth to the allegations that members of the Greek minority in Albania were denied their basic human rights. The Republic of Albania had repeatedly declared its commitment to promoting human rights, and had given tangible proof of that commitment.

The meeting rose at 1.10 p.m.